

**Living in Two Worlds:
An Investigation into the Identity of Arab Muslim Women
In Contemporary Great Britain**

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Abstract

This interdisciplinary dissertation draws upon Islamic, socio-cultural and legal studies to present an original investigation of an under-researched minority group, namely Arab Muslim women living in Great Britain. It investigates the construction of a social identity which is challenged by opportunities for integration into a secular society, and contrasting obligations posed by family traditions and the Shariah. The empirical section of this dissertation is based on 32 semi-structured in-depth interviews conducted with Arab Muslim women resident in the UK in 2005-2006. The interviews sought to understand participants' perceptions of their ethno-religious heritage in the light of their experience of living in urban, multi-cultural Great Britain where they are required to obey two systems of law – English Family Law and the Shariah. Interview data were supplemented by email questionnaires returned by five legal experts. These lawyers expressed a range of opinions on the issue of legal pluralism in Great Britain and the degree to which Muslim religious and cultural practices are accommodated in the UK. While views included in the interview data are not statistically representative, they arguably reflect a range of prevailing opinion among the wider population of Arab Muslim women in Great Britain. The findings emphasise that participants were able to express valuable insights by reflecting on how they perceive themselves and on how they feel they are perceived by others. This research concludes by noting that Arab Muslim women's identity, perhaps as a result of its transitional context, is considerably more fluid than media stereotypes would suggest, and that their attitudes towards Shariah injunctions governing their personal status convey an ambivalent mixture of piety and pragmatism. It is anticipated that these conclusions can stimulate others to embark on future research projects in this dynamic field.

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Preface

I came to this topic because, as an Arab Muslim female from a conservative background, I have a deep and inherent interest in issues relating to the identity of Arab Muslim women in Great Britain. These are matters that, from my observations of the community of which I am a part, are of clear importance to the way in which women come to terms with the national, social, communal and legal environment in which they find themselves. It was considered important in the post 9/11 climate, when Islamophobia – ‘hatred or fear of Islam, especially as a political force; hostility or prejudice towards Muslims’¹ has been frequently encountered, to provide evidence that would help dispel the tendentious myths about Muslim women in general that have appeared in the more populist organs of the British media over the past decade. I was motivated by this challenge to find out more about their identity. It is not uncommon for migrants belonging to ethnic and religious minorities to feel impelled and indeed to be expected to undergo acculturation, a process involving the resolution of paradoxes and tensions, particularly if their identity is perceived to be markedly different from that of the host community on account of their gender relations, their religious rituals or their dress code, to name but three areas of cultural diversity. Acculturation and integration inevitably involve a degree of identity modification and this is an issue that I have become conscious of both in my own life and through my awareness of the lives of other female members of my community in Great Britain, and I felt that it was necessary to investigate it, given that although many Arab

¹ Oxford English Dictionary definition – see p 35 for a further discussion of the characteristics of Islamophobia.

Muslim women may share my interest in the dynamics of their identity in the community into which they have migrated, they may not have had the opportunity to further their understanding by studying relevant socio-cultural theoretical constructs or existing investigations into the identity of Arab Muslims in Western countries. Moreover, while they may have talked about their identity informally with their families, their friends, their colleagues and associates, they have not made any formal analysis of their discussions. It is in these respects that I believe my work constitutes an original contribution to this area of knowledge - by investigating the identity of Arab Muslim women in Great Britain and how they resolve situations where socio-cultural or legal conflicts occur in their lives.

Given the inherently interdisciplinary nature of the study, the question arises as to which academic discipline is best suited to the task of constructing a cogent framework and methodology. The overarching significance of Islam to the identity of both the participants and the author of the study provides a strong imperative for placing it within the discipline of Islamic Studies, a field that has itself drawn together a number of issues germane to the current inquiry from disciplines such as theology, sociology, economics, cultural anthropology, ethnography and law. It may be noted that it is not without significance that the growth of this field in Western universities reflects the fact that there are now more Muslims living in the West than at any other period in history (Esposito in Haddad, 2002: viii).

My previous research (Al-Saud, 2003) led me to conclude that, despite their differences, Arab Muslim women of various nationalities (Algerian, Egyptian and Saudi Arabian) share a number of significant socio-cultural identity traits, and therefore I have

not restricted the scope of this investigation to Muslim women of any particular Arab nationality or from any specific region. A second reason for including participants originating from all parts of the Arab world is that although Muslim personal status law evolved differently over the centuries in various locations, Arab Muslim women resident in Great Britain are obliged to conform to the statutes of English Family Law while retaining their faith in and obedience to the injunctions of the Shariah (Islamic law).² However, while their knowledge and understanding of the latter is generally extensive the same cannot be said with regard to the former. Therefore, with a view to investigating their identity from a legal perspective, five lawyers with considerable experience in advising female clients on issues of personal status and family law were contacted and invited to participate in the study, in order that key issues in the current debate about accommodating Muslim religious and cultural practices under the law of the land might be properly addressed.

It has been my intention to write a thesis that will be of interest to both Muslims and non-Muslims. This in itself has constituted a major challenge, in the sense that Islamic and Western social scientific terms of reference have had to be presented in ways that are accessible to both audiences. I have therefore found myself playing the role of interpreter, and it is inevitable that my interpretations will be regarded as contentious by some readers. I console myself with the hope that what I have written will stimulate others to conduct further research into the issues under scrutiny and that my work will thus be regarded as a significant contribution to the field.

² All the Arabic words and phrases that appear in text are listed with translations in the glossary. See pp 285-289.

Acknowledgements

No qualitative research is possible without the willing participation of the target population. I would therefore like to acknowledge the enthusiastic manner in which the women whom I interviewed contributed to this research, thereby collectively producing a rich data base for this empirical study. For this they deserve my gratitude. The contribution to this study made by the five lawyers who responded to my emailed questionnaires also needs to be acknowledged. Their professional co-operation gave me insight into key areas of family law that concern Muslim residents here and enabled me to discuss study participants' identity from a legal perspective more authoritatively than I would otherwise have been able to do. I would also like to thank my supervisory team at Oxford Brookes University, Professor John Gold, Professor Peter Edge, Dr Brad Blitz, Dr Marion Markwick and the late Judy Chance for the considerable amount of guidance and advice they offered me. Their suggestions and constructive criticisms have assisted me in focusing on my aims and in structuring my work in such a way that the chapters containing a review of the existing literature relevant to this investigation present a coherent theoretical basis on which to evaluate the empirical chapters. It is hoped that the reader will find that the resultant thesis constitutes a cohesive entity.

Finally, I wish to thank my family for their patience and forbearance in allowing me to devote so much of my time to this investigation.

Chapter 1

Introduction

Cultures are package-deal worlds; scientific inquiry, by contrast, requires atomization of evidence. No *linkages* escape scrutiny.
Gellner 1992: 80-81

The above quotation is taken from a chapter of Gellner's *Postmodernism, Reason and Religion* entitled 'Rationalist Fundamentalism'. Gellner argued that the procedural principles underpinning any academic investigation lie at the very heart of the ideology of rationalist fundamentalism. While admitting that the details of these principles remain a matter for debate he proceeded to summarise how the principles themselves are applied to the process of scientific inquiry. In this process all facts are queried, irrespective of their sources. Moreover they are analysed – divided into their essential components, in order to ascertain whether or not the way that they have traditionally been assembled is the only one possible. These procedural principles which, significantly, are not themselves subject to the same rigorous analysis as the substantive matters to which they are applied, lead to the adoption of a perspective on cultures antithetical to the non-critical 'package-deal' perspective.

Gellner was himself an adherent to the ideology of rationalist fundamentalism, which he identified as one of three 'irreducible positions' (1992:1) on 'questions of faith' (Ibid.), the other two being relativism and religious fundamentalism. He discredited relativism as an illogical ideology (ibid. 70-71). Malešević (2004: 164) is equally

dismissive of it, arguing that it has no sustainable basis as a research strategy and that it provides no analytical tools with which to construct an empirical and conceptual framework. Relativism is also unacceptable to practising Muslim scholars, for whom the truth of Islam transcends all interpretations (Mujiburrahman, 2001: 427). With regard to religious fundamentalism, however, while Gellner clearly did not regard himself as one of the faithful, he respected the ideology of a belief system being 'upheld firmly in its full and literal form' (1992:2). This author would argue that it is quite possible to believe in both religious and rationalist fundamentalism – in other words both to accept the truth of the Koran unreservedly and to apply the principles of rationalism as defined by Gellner to academic research. This position accords with the Islamic legal principles of *ijtihad* and *qiyas*, the essentials of which have been outlined by Brown (2004: 124).

Although Gellner would probably not have accepted the compatibility of the two fundamentalisms, with specific reference to Islam, he stated:

A puritan and scripturalist world religion does not seem necessarily doomed to erosion by modern conditions. It may on the contrary be favoured by them. (1992: 22)

From this it would seem that he believed that contemporary Muslims, whether or not they live in an Islamic state, are able to thrive socio-economically while preserving their rituals and adhering to the ethics of Islam. This is important in the sense that it dispels the orientalist notion of Islam and modernity being incompatible (Matin-Asgari, 2004: 294). However, Muslims living in a multicultural environment such as modern Great Britain, interacting with people who adhere to other religions or indeed to no

religion, may feel more impelled than those who live in the Islamic world to examine their own belief system – comparing and evaluating Islam in the light of their perceptions of other belief systems, rather than simply accepting it as a non-negotiable ‘package deal’. Similarly, Arabs, or more specifically in the context of this investigation, Arab women living in Great Britain, may feel impelled to examine their cultural norms and gender roles in comparison to those of other ethnic groups. In short they may feel impelled to examine their religious, their ethnic and their gender identity more analytically than they would have done in a less pluralistic environment.

1.1 Aims

In order to determine the extent to which Arab Muslim women living in Great Britain do indeed examine these aspects of their identity in the light of the culturally pluralistic environment in which they find themselves, the following specific aims were formulated:

1. To investigate what Arab Muslim women resident in contemporary Great Britain perceive to be the core elements of their identity.
2. To investigate how they think that their identity has changed since their arrival in this country; how they compare themselves to other women resident here; and how they perceive the attitudes of members of the host community towards them.
3. To investigate their perceptions of their legal situation³, focusing specifically on aspects of their personal status over which there is a conflict between Shariah

³ Although the title of this thesis refers to ‘contemporary Britain’ all study participants lived in England at the time of their interview and were under the jurisdiction of English law. Therefore a decision was made to interview Arab Muslim women resident in England, as opposed to other parts of Great Britain in order to

injunctions and Arab customs on the one hand, and English Family Law on the other.

It was expected that the achievement of the three aims of this investigation through the analysis of empirical qualitative data would help to dispel the prevailing imagery of Islam that has appeared in the more populist organs of the British media over the past decade,⁴ portraying it as a religion that endorses the complete subordination of women to men and the concealment of their identity in public. It was also expected that the empirical evidence collected in this study would suggest that in many ways Arab Muslim women are not dissimilar to other women in this country and that, if some of them do not want to integrate, this may well be due in part to their perceptions of the prejudices of the host community, rather than to the injunctions of their religious faith.

The particular focus of the third aim has proved to be topical, following the Archbishop of Canterbury's February 2008 speech and the subsequent debate over whether or not there should be some form of accommodation of Muslim personal status law within the national legal system (see pp 108-112). Since Shariah personal status law is central to the regulation of Muslim family relationships and a fundamental component of Islam, both theologically and socio-culturally, it was expected that Arab Muslim women in Great Britain might be in favour of the removal of any impediments to its enforcement. However, it transpired that there was a range of views on this issue. Several study participants, especially those who had been involved in divorce proceedings,

reduce the complexity that would have arisen if it had been necessary to consider the other UK legal systems.

⁴ See Poole (2002) and Poole and Richardson (eds) (2006).

expressed their satisfaction with existing legislation and were wary of the prospect of Shariah personal status law being implemented (see pp 239-241).

1.2 Methodology⁵

In accordance with the principle that one's research aims should be the driving force behind one's choice of methodology, it was decided that the most productive way of eliciting discursive as opposed to unqualified factual responses from study participants would be to take a qualitative approach, and to conduct a series of semi-structured interviews. In May 2005, five such interviews were conducted in Birmingham as a pilot study. Modifications made to interview design in the light of experience gained during the pilot phase were woven into the research design, and between May and August of the following year a further 27 interviews were conducted in London, Birmingham and Manchester. Participants' personal narratives were to constitute the main source of empirical data for the study. However, it soon became clear that study participants did not have enough knowledge of English Family Law to provide a professional view of their legal status here and that therefore they were not in a position to provide sufficient data for the fulfilment of the third objective of the investigation. For this reason it was decided to incorporate into the research design a questionnaire addressing critical family law issues. Copies of this were emailed to five lawyers with knowledge of the issues under investigation, and experienced in advising female Muslim clients on family law matters.

⁵ See Chapter 6.

These lawyers agreed to participate and had returned their completed questionnaires by May 2007.

1.3 Identity in the Context of this Study

There is considerable interest in the question of identity. It is important both as a theoretical construct and as a contested fact of contemporary political life. Principally, identity provides a way of understanding the interaction between our subjective experiences of the world and the cultural and historical setting in which that subjectivity is formed. It has been made central to a number of theoretical debates and political problems. It harnesses an exceptional plurality of meanings. Bonding takes place through the sharing of identity but identity also concerns difference. It marks out the divisions and sub-sets in our lives and helps us to define the boundaries around our uneven and local attempts to make sense of the world. Calculating the relationship between identity and difference, sameness and otherness leads to political complexities notably why identities exert power and whether they should be legally acknowledged. Identity is fundamental to how groups perceive and comprehend their kinship. This may be an imaginary connection though none the less powerful for it. It becomes a question of power and authority when a group seeks to realise its identity in political form whether this is as a nation, a state, a movement, a class or a combination of all four. It cannot be argued that social identities whose salient features are ethnicity, sexuality and nationality have been at the centre of much political mobilisation in history. For some, emphasis of identity may constitute a threat to democracy and for others it forms the backbone to a long and worthwhile struggle for legal recognition and human rights.

The 'materials' from which identity is produced may be inherited but they are also re-worked creatively and positively or even reluctantly in the present. Identity is basically an outcome of processes both conscious and unconscious.

Identity is not, in the main, an individual affair. It is not constructed from an individual's own choosing. Identities are often created through the effects of colonialism, racial and sexual subordination, national conflicts and histories. Identities need to be analysed not only in their cultural milieu but also in relation to history. They are both imposed and self-constructed. The complexity of practices, belief about identities, shared experiences associated with identity and the legal or formal recognitions of identity undergo constant change and can produce new forms of identity. Identity is therefore not a static but a dynamic but however contingent and transient these constructions may be, it remains the case that identification with a social category impacts enormously on one's life, determining career prospects and possibilities, places to live, potential friends and spouses, reactions from the police, credence from jurors and relationships with teachers, students, neighbours and colleagues. Identities, therefore, are constantly subject to re-negotiation, modification and even transformation.

Although the word 'identity' generally conveys the meaning of a person's intrinsic being - the sum total of a number of personal and socio-cultural variables that combine to make a person who she is - in the context of this study the focus is on *changes* in Arab Muslim women's identity that have resulted from the fact that they have migrated to this country. After all, if each of the women who participated in the study had remained the same person the fact that they had migrated would have been of little consequence. Further discussion of aspects of the concept appears in Chapters 2, 3 and 4, but in this chapter the

focus is on the identity variables that are most critical to this study such as age, class, education, employment, ethnicity, family, gender, nationality, personality, place, 'race', religion, time and traditions. This list is not intended to be exhaustive; nor is the order in which each variable is mentioned intended to give any kind of weighting or ranking to any one of them. It is presented merely to give some measure of the complexity of the concept of identity, given that each variable interacts with all of the others. Such interactions may be conceptualised as occurring in a web of threads. Each thread connects one variable to another and allows for reciprocal influence. A thread links each pair of variables directly. The location of the centre of the identity web depends on the perspective from which one is looking at it. For example, if one is considering gender identity, then gender will be at the centre, and will be the conceptual focal point from which to proceed with an enquiry. Whatever the nature of that enquiry may be, the approach taken by the researcher will in part depend on how the concept of identity is to be defined. In the context of this research, a reader might expect to find separate discussions of Arab identity, Muslim identity and female identity. However, any attempt to isolate each of the three variables in the title of this thesis – 'Arab', 'Muslim' and 'Women' – with a view to writing a coherent chapter on each, would inevitably run into difficulties. The fact that the three variables – ethnicity, religion and gender - coexist in a complex web of interrelationships means that it is almost impossible to examine Arab identity without reference to Islam and gender relationships, Islamic identity without reference to Arab traditions and the status of women, or female identity without reference to ethnic and religious factors.

The Arab world stretches some 5.25 million square miles between the Gulf and the Atlantic and is officially composed of twenty-one states. It has a population which currently stands at over 200 million and is rising. It is not unusual for scholars to ponder whether this Arab world constitutes a society but the Arab world can better be described as a collection of states increasingly asserting their differences and separate identities which have been reinforced through periods of intra-Arab conflict. However, inhabitants of Arab countries overwhelmingly perceive themselves as Arab though the 2001 Census of Great Britain could not identify Arabs as a distinct ethnic group such as was possible with other groups such as Afro-Caribbean and thus Arabs were counted in terms of their countries of origin. The continuum that covers the range from a completely homogeneous society to one of great heterogeneity encompasses a complex system of divided loyalties and communal ethnic, linguistic, sectarian, tribal and regional differentiations. Historically, Arab society has been heterogeneous. Culture is rarely homogeneous but rather encompasses diversity, pluralism and contradictions and in the Arab context, this includes a range of differential cultural foci. It has its subcultures, those particular to some communities and its countercultures which comprise those of alienated and radical groups. These subcultures are represented by different patterns of living such as rural, urban or Bedouin, by social formations such as mercantilist or agricultural, by social class differences such as high, bourgeois and mass cultures, by religious and sectarian affiliations such as Sunni, Shi'ite, Druze, Isma'ili, Copt, Orthodox, Maronite, Catholic, Protestant or Jewish and by ethnicity such as Kurd or Berber. An Arab then, is a person whose culture and ethnicity derives from a distinctive

regional area which encompasses a variety of ethno-cultural groups and who identifies with the characteristic features of the culture from which s/he hails.

Western researchers have understandably based their theoretical models of identity on their observations of Western society and on an underlying ethnocentrism, and this may in part explain their tendency to play down the significance of religion as a determinant of identity. For example, for Zygmunt Bauman identity has become an almost ephemeral concept. He contends that there are no longer any life-long influences on identity, concluding that 'postmodern life strategies ... militate against the construction of lasting networks of mutual duties and obligations' (1996:33). Such a perspective is unhelpful to the study of Muslim identity. From a Muslim perspective, Islam is now, and always has been, of primary importance.

Similarly until recently, in Western studies of gender as a determinant of identity, neither religion nor ethnicity has been regarded as being of central importance. As Gedalof states with reference to feminist sociological research:

White feminisms ... tend to see women as primarily related to gender, or to sexual difference, and therefore everything else is seen as a complication that needs to be inserted into this frame. (1999: 201)

There was indeed a tendency to relegate ethnicity and religion to the 'everything else' category, but over the last decade researchers such as Dwyer and Bressey⁶ have done much to address this imbalance as far as ethnicity is concerned. However:

⁶ Most recently 'New Geographies of Race and Racism' (2008).

Although feminist scholarship now has an important place within human geography, there has been relatively little interaction between geographies of *religion* (my italics) and those interested in feminist geographies. (Hopkins 2009: 12)

The issues of my own identity and positionality as an Arab Muslim woman, in terms of their effect on my motivation for carrying out this investigation, the personal insight into the study that it affords and the research distance challenges that it poses are discussed later (see pp 51-55 and 124-130). At this point, however, it would seem appropriate to define and discuss another key term that appears in the title of this thesis, namely, 'contemporary Great Britain', along with a phrase that is used repeatedly in the text: 'the host community'.

Contemporary Great Britain (Great Britain in the first decade of the 21st Century) is anything but a homogeneous society. In the previous decade Bradley (1997:27) had argued that there is a tendency for people to develop fragmented or 'fractured' identities in this country, presenting different facets of their identity in different situations, 'dependent on the reconstructive endeavours' (Giddens, 1994:74) in which they engage as they focus on the processes of mental and physical self-development and self-control, making contact with society when support for the self is sought or when barriers restricting its development are challenged. While such contact may involve risks, it is essential to the goals of 'becoming free from dependencies and achieving fulfilment' (Ibid. 77). Thus Giddens characterised late 20th Century Great Britain as a society in which there is a high degree of individualism. However, there are inevitably situations in which individuals identify with others to form organisations and groups, united by

common aims or interests, with a view to the furtherance of their influence and the protection of their rights. The formation of such organisations and groups collectively results in 'a conflictual, negotiated order ... vis-a-vis each other and the state' (Werbner, 2000: 317-8). Factoring in both the tendency for people to be individualistic and their desire to protect and strengthen their social status through group membership, the identity of the host community in urban areas of contemporary Great Britain could be compared to that of a multiracial cast of actors, collectively representing a plethora of minority community cultures, interacting on a dynamic and chaotic stage.

A less complex view of the identity of contemporary Great Britain's host community is one of a society that conforms to a 'Western cultural base pattern' (Roald, 2001: 88-89) including, among other things, respect for national, European and United Nations concepts of morality, which have been encoded in laws drawn up to safeguard equality in gender structures and the protection of minority rights, as expressed in the 1948 Universal Declaration of Human Rights.⁷ Such laws are often enacted and enforced without any significant input from demographically significant religions, although there has recently been a debate in the European Union as to whether or not to include reference to Christian values in its constitution. In the preamble of the constitution document, reference is made to:

The cultural, *religious* (my italics) and humanist inheritance of Europe,
from which have developed the universal values ... (Official Journal of
the European Union: C310/3, 16/12/2004)

⁷ See also the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1979 Convention on the Elimination of Discrimination against Women and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

However, to return to Roald's viewpoint, she conceives the perspective on gender relations that is prevalent in the Western cultural base pattern as being the antithesis of 'the Arab cultural base pattern' (2001: 89), which favours patriarchal gender structures. Her bi-polar model, though it fails to take into account the complexities of the social identity of women in either the Arab world or in the West, does draw attention to the fact that Arab Muslim women who have migrated to this country are in a position to make identity choices, provided that they are not prevented from doing so by their families or other members of their ethnic and religious communities. They can modify their identity by adopting features of the Western cultural base pattern or not as they wish to a far greater extent than they could have done anywhere in the Arab world. Thus, Roald's model has the merit that it provides a theoretical framework for the empirical observation of the identity modification process that Arab Muslim women undergo in Great Britain, and a benchmark against which to judge the extent to which they have consciously or unconsciously adopted host community cultural values in the process of integration. In these ways it has been valuable in helping to achieve the second aim of this investigation. However, her model has been labelled Eurocentric in that she only explores those aspects of gender relations 'that have aroused attention by dominant Western state and media institutions' (Naber 2002: 2). She makes no mention of the practical authority that Arab Muslim women have in the domestic sphere, which gives them more influence than men over the preservation of their domestic cultural identity wherever they live.⁸ In a published interview Iman Naji, a language student at Surrey University of Moroccan parentage, described the unmistakably Arab Muslim atmosphere in her parental home, for which her mother was chiefly responsible:

⁸ See Chapter 4 for further discussion of Roald's work.

I am British, but when you go into my house and you hear the language and look at the walls and you see verses of Qur'an and the food that we eat, it reminds you of where you're from. So you are with that all the time.

(Interviewed for the *Guardian* by Sarah Left, 03/12/04)

Excessive emphasis on gender structures, important as they are as influences on identity, may give a distorted image of Arab Muslim cultural identity. There are other elements of the socio-cultural and religious heritage influencing the identity of participants in this study that also need to be considered if the acculturation challenges that have confronted them in this country are to be fully appreciated. The following paragraphs present some introductory remarks on these elements of their heritage, which are discussed at greater length later (see pp 59-75).

Arabs have preserved the heritage of the Islamic religion for almost 1500 years. It is hardly surprising therefore, that contemporary Muslims regard Islam as an enduring constant providing a sense of both spiritual and cultural protection. Islam is generally regarded as a law-based religion (Brown, 2004: 133). Sources of the Shariah (Islamic law) date back to the time when Mohammed (p.b.u.H.) was alive - the 7th Century CE. Muslims believe that some elements of the Shariah were divinely revealed in the verses of the Koran and that others were derived from the exemplary behaviour of the Prophet (p.b.u.H.), as recorded in the Hadith. While there are variations in the interpretation and implementation of Islamic law, there is also a high degree of legal consensus among members of the *umma* (worldwide Islamic community)⁹ that can be attributed to a belief

⁹ In asserting that Islam has a unifying influence on believers, this writer has no intention of denying the existence of conflicts, both within and between some Muslim countries.

in the social constructs developed by the Prophet (p.b.u.H.) and promulgated by his companions and immediate successors. Contrary to the view proposed by Engineer (1996: 6-7), who argues that the Shariah only stopped evolving after the decline of the Abbasid Empire in the 12th Century CE, in this study the Shariah is defined as the body of legal injunctions contained in the founding discourses alone, as distinct from laws codified later by the four Sunni *madhhahib* (schools of law)¹⁰ or subsequent jurists, collectively designated *fiqh* (jurisprudence). The significance of this distinction is critical because Muslims believe that both the moral principles and the specific legal injunctions of the founding discourses are to be obeyed in perpetuity, whereas all subsequent laws have been enacted in response to temporal or geographical circumstances, and that it is therefore permissible to amend them. However, there remains the challenge of *ijtihad* (interpretation) of the underlying moral principles of the Shariah, for example those governing the practice of polygyny (see p 61) and the covering of the female form (see pp 114-122), on which the opinions of Muslims are divided.

Although belief in Islamic justice is central to the identity of Muslims this does not mean Arab identity is a product of Islam alone. There are Arab customs and traditions that distinguish Arab identity from that of other ethnicities. Arab Muslim women in Great Britain may feel a sense of religious sorority with Muslim women of all ethnic backgrounds in this country - South Asian women¹¹ for example, but language, class, education, modes of dress and cultural practices such as home-making and culinary skills that have been passed down from generation to generation make them appear and feel

¹⁰ The Hanafite, Maliki, Shafi'ite and Hanbalite Schools – see Coulson (1964) A History of Islamic Law.

¹¹ This is not to imply that all South Asian Muslims are members of the same linguistic or socio-cultural group. Gerd Baumann has succinctly explained why this is not the case (1996: 126), citing important differences that exist among them.

different. However, in spite of such ethno-cultural differences all Muslim women in Great Britain are faced with the same questions about their identity in this country, as they determine the extent to which they should conform to the cultural base pattern of the host community. Moreover they may all experience the same kinds of prejudice and intolerance both from the host community and from their own communities. In this sense, it may be possible to construct the notion of a Muslim, as opposed to an Arab, cultural base pattern in Great Britain (see pp 174-175). Of course, the fieldwork in this thesis was conducted exclusively through interviews with Arab Muslim women, and therefore this notion has not been empirically substantiated. Nonetheless, it may be applicable, in that Muslim women in Great Britain need to make similar identity choices, irrespective of their ethnic background. While linguistic and socio-cultural factors are significant indicators of difference in ethnic communities' perceptions of their identity, religion and gender relations may well transcend these differences when it comes to issues relating to adaptation to the norms of the host community.

1.4 Arab Muslim Numbers in Great Britain

Britain and the Arab world have been trading partners since medieval times. Many Yemeni sailors settled in the London Docks from the second half of the 19th century onwards, many of them marrying British women. The Yemen became a British Protectorate in 1905 and many Yemeni seamen contributed to Britain's war effort in both World War 1 and World War 2. Many sought onshore employment thereafter. Arab migration to Britain started substantially in the 1940s though many Iraqis began to settle

in the previous decade due to political oppression in their homelands. Many Iraqis from the Christian Assyrian sect began arriving in Britain after the 1958 revolution in Iraq. The creation of Israel in 1948 forced many Palestinians to leave their homelands. Arab migrations increased in the 1950s and the 1960s as the Arab world struggled to emerge peaceably from an era of colonialism. Many of these countries were economically underdeveloped and politically unstable. The economic boom following the 1973 oil crisis led to continuing political uncertainty in the Middle East which many fled hoping to find a new life and investment opportunities. Many members of the Lebanese, Syrian, Palestinian and Jordanian middle and upper classes brought their capital with them to Britain which resulted in a proliferation of successful business enterprises. Transnational Gulf Arabs come to Britain for purposes of education, business, finance and vacation.

There are no statistics available on the number of Arabs or Arab Muslims, living in Great Britain. According to the 2001 population census, of the approximately 1.6 million Muslims living in the UK, over a million originated in Pakistan, Bangladesh or India (ONS 2004). Iraq, Lebanon, Egypt and Morocco are four of the major countries of origin of Arab Muslim migrants (El-Solh, 1992: 237). Many Arabs of various national origins have settled in the London boroughs of Kensington and Chelsea, Westminster, Ealing and Brent (Peach and Rossiter, 1996; Storkey, *et al.* 1997: 114). With the notable exception of Yemenis (Halliday, 1992) they tend to be well-educated, and middle or upper-middle class. However, since the 2001 Census does not isolate 'Arab' as a distinct ethnic group, it is impossible to be precise about the size of the Arab population. In the statistics, Arabs may be included in the numbers of various ethnic groups identified by the census, namely 'Other white', 'African', 'Other mixed', 'Other Asian', 'Other black' or 'Other ethnic

groups'. It is not surprising, then, to find that conflicting estimates of Arab numbers have been made. Ermes (2002:1) claims that there are around half a million, while Nagel (2002: 282) estimates the total to be around 200,000:

They seldom are treated as a separate, identifiable cultural entity or as a 'problem' minority group, and their presence as immigrants remains greatly understated both among policy makers and academics. (Nagel, 2002: 268)

Another reason why numbers are very hard to quantify is that, as well as permanent residents, there are significant numbers of Arabs that reside in the UK on a temporary basis, commuting between London and their countries of origin and using London as a base for their international financial and commercial operations, which are facilitated through Great Britain's geographical proximity to Europe and its close cultural relationship with the USA. Moreover, their existing networks in Great Britain have created a critical mass, and they tend to be more fluent in English than in other European Union languages. Furthermore, tax and property laws are relatively attractive here, although since April 2008, they have become less so, with residence rather than domicile now being the key factor determining taxation liability.¹² Basch et al. refer to residents who come and go as transmigrants, and to the phenomenon of their international mobility as transnationalism:

We define transnationalism as the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies

¹² www.royds.com/pdf/Taxissuesdocseptember.pdf accessed 08/09/2009.

of origin and settlement ... [M]any immigrants today build social fields that cross geographic, cultural and political borders. ... An essential element is the multiplicity of involvements that transmigrants sustain in both home and host societies. (1994: 6)

1.5 Chapter Structure

Chapters Two to Five provide a theoretical basis for this investigation in the form of a review of a selection of relevant literature. In Chapter Two the legacy of orientalism and its influence on contemporary Islamic Studies scholarship and on the dominant discourse on Muslims in the British media are discussed (see pp 31-39). The wide spectrums of views on the proper role of Muslim women is examined, with reference to a selection of the works of experts in the field and to the significance of the internet as a tool with which to evaluate the verses of the founding discourses that deal with women's status and rights (see pp 43-45). Salient features of approaches to the discipline in British and Saudi Arabian universities are compared (see pp 47-51). A discussion on the significance of the identity of an Islamic Studies, initiated in Chapter Two (see pp 51-55), is further developed in Chapter Six (see pp 125 and 128-130). In the concluding section (see pp 55-58) the decision to position this investigation within the discipline of Islamic Studies is justified with reference to recent developments in this nascent field and linkages are provided to Chapter Three, in which it is argued that law and custom are two critical factors in this investigation (see pp 59-60). The development over time of the socio-legal practices of Arab Muslim women in the areas of family relationships, property and female modesty is outlined, with reference to the verses of the Koran containing

injunctions on marriage, divorce, inheritance and female dress codes (see pp 60-67). Vernacular Arab socio-cultural practices are discussed with reference to two field studies undertaken in the 1970s and 1980s¹³ of Arab communities that were in the process of adapting their pre-industrial extended family traditions in order to come to terms with contemporary socio-economic conditions (see pp 67-72). The rationale behind the inclusion of this section is that although participants in this study have largely rejected and discarded these traditions, some of them still have to interact with family members who wish to keep them alive, and in this sense they remain relevant to their identity. It is further argued that although Arab Muslim women may reject aspects of their vernacular heritage this does not mean that they wish to make Western women their role models, since doing so would mean abandoning the security of an identity with which they are familiar for an alien one offering little certainty (see pp 72-75).

In Chapter Four it is argued that that the cosmopolitanism of urban life in Great Britain acts as a catalyst stimulating debate amongst Arab Muslim women on their identity and on the extent to which integration is desirable (see pp 76-78). Terms associated with the concept of integration, variously defined by academics and interpreted by governments over the years are presented (see pp 78-85). The work of other scholars, in particular that of Roald (2001) and Nagel (2002), on Arab Muslim women's identity as a marker of sameness and difference is referred to and discussed in detail (see pp 85-94).

Chapter Five examines expert opinions on how Muslims, both in Great Britain and in the West more generally, should perceive their legal status in their adopted

¹³ Mernissi (1985) and Rosander (1991).

homelands (see pp 98-101). This leads to a broader discussion of calls by some Muslims for reform of English Family Law, with a view to the recognition of Shariah personal status injunctions and the introduction of a greater amount of legal pluralism, implementation of the most radical form of which would mean family law cases would be heard in parallel courts. Evidence of levels of support for such a system among Muslims in Great Britain and other Western countries is presented (see pp 103-107). Archbishop Williams' well-publicised but misrepresented views (2008) on Muslim marriages and on the application of the 1996 Arbitration Act in the resolution of Muslim disputes over matters such as inheritance are discussed (see pp 108-113). Finally there is a section on veiling, a divisive issue for Muslims, with references to relevant verses of the Koran and Hadith that advise women in general on what to wear, to the concept of religious freedom¹⁴ and to three recent cases that have come before the English courts involving disputes over the practice (see pp 114-123).

Chapter Six contextualises the methodological framework employed. It presents a conceptual outline of the use of semi-structured interviews in qualitative research (see pp 124-127). This is followed by a clear statement justifying the methods employed in terms of their appropriateness and benefits - investigating a gender-based topic and linking it with women's life experiences. It is conceded that qualitative research techniques also have their drawbacks, foremost among which is the tendency for a researcher to undermine the objectivity of her position by imposing her values on the discourse. Since it is practically impossible to take a value-free position she can only to aspire to minimise the effects of bias by becoming aware of her values and being explicit about them (see pp

¹⁴ As defined under Article 9 of the European Convention on Human Rights, 1950.

128-130). Following this discussion of methodological considerations there is a qualitative content analysis explaining how interview themes, presented in full in Appendix 2 (see pp 291-313), were designed and structured. During the course of the interviews planned and floating prompts were used as and when appropriate (see pp 130-133). This analysis is followed by a presentation of the chronology of the investigation from the pilot study onwards and a synopsis of participants' biographical data: their names, nationalities, marital status, number of children, educational and employment details and the length of time they have spent here (see pp 135-147). The reasons for deciding to use emailed questionnaires as a research instrument for eliciting the professional views and personal opinions of lawyers on family law issues affecting the lives of Muslim women sent to lawyers are set out. Their responses were analysed with particular emphasis on both the kind of advice that they offered to their clients and on their opinions on key issues such as legal pluralism (see pp 148-150). The final section of the chapter is concerned with the process of analysing the interview data, which began with the collation of participants' remarks on the various themes and proceeded as a system of coding the data evolved. Eventually as a coherent narrative emerged it was possible to group participants into clusters that reflected their shared integration patterns (see pp 150-156).

The three empirical chapters investigate the three aims of the study in turn. Although there is a considerable amount of overlap between the concepts of identity of self and cultural identity it has been possible to draw a line between aspects of participants' identity that originated in the Arab world and those that have developed since their arrival in Great Britain. Therefore influences shaping the former including the

cultural norms of their families and of the societies in which they grew up are discussed in Chapter Seven, whereas decisions on whether to make identity changes with a view to integrating into the host community in Great Britain are discussed in Chapter Eight with its focus on the negotiation of identity. In both chapters, theoretical concepts discussed in earlier chapters have been brought into the discussion where relevant. Chapter Nine focuses on the achievement of the third aim of the study, specifically on aspects of participants' personal status over which there is a conflict between either Shariah injunctions or Arab customs and English Family Law. The responses, comments and opinions of interview participants and lawyers both appear in this chapter, complementing each other in the way in which they contribute to the inquiry.

Finally Chapter Ten reiterates and reflects upon the key findings of this investigation, underlining the original contribution that it has made to what is known about the identity of Arab Muslim women in Great Britain, based on the 32 study participants' life stories, and on the questionnaire responses of the 5 lawyers who were consulted. It is argued that the investigation represents a valuable piece of socio-cultural evidence to which scholars in the field of Islamic Studies may refer both now and in years to come.

Chapter 2

Islamic Studies and Muslim Women's Identity

Attention to the complex social locations of those producing and distributing ideas and texts, and the networks within which they interact ... becomes ... important [in] formulating an interdisciplinary approach to Islamic thought. (Feener, 2006: 25)

Has the bias of orientalism been put to rest, allowing scholars to examine Islamic religion and culture more objectively? To what extent has interdisciplinary collaboration in the field of Islamic Studies been achieved over the past thirty years? Have scholars managed to apply the methodological tools of disciplines such as history, sociology and law in order to advance knowledge and understanding of Muslim identity? These are the questions addressed in this chapter, with particular emphasis on recent trends in the study of Muslim women's identity.

2.1 The Legacy of Orientalism in Islamic Studies

The past and present intellectual impact of orientalism on Islamic Studies cannot be ignored. Orientalism is 'based on an ontological and epistemological distinction between Orient and Occident,' (Macfie 2002: 4) and Islam is arguably the religion and socio-cultural system most strongly identified with the Orient. Orientalism 'impoverishes the rich diversity of Islam by producing an essentialising caricature' (Sayyid, 1997: 32). While its origins are associated with European colonialism, it first developed in the context of medieval religious conflict, at which time the view that Muslims are the product of an inferior social system had yet to be formulated:

The Oriental may always have been characterised as a savage enemy, but during the Middle Ages, he was at least considered on the same level as his European counterpart. (Rodinson, 2002: 60)

With the advent of European colonialist expansion, however, 'Orientals' were regarded as inferior, and proponents of orientalism began to accept the theory that civilizations evolve, flourish and then decline independently of one another, and that their status should be defined in comparison to the Western civilisation. Moreover, orientalists cited theories that put Caucasians at the summit of a racial hierarchy. (Kumar, 2007)¹⁵ The inferiority of the Orient was further analysed and defined in sociological terms:

By a series of lacunae: historical stasis, the missing middle class, the erosion or denial of active citizenship, [...] and the limitations of instrumental rationality as the critical culture of natural science, industrial capitalism and rational government (Turner, 1994: 21)

Attention has also been drawn to the distinction that Weber drew between 'his ideal-typical concept of (European) legal-rationality [...] with what he called "kadi-justice"' (Carapico 1997: 29). Matin-Asgari (2004: 294) has argued that any scholars who follow Weberian ideas on Islam are approaching the study of the religion from an uninformed source and therefore the conceptual basis for their work is bound to be unsatisfactory. Whether or not this is the case, two speakers at the 2008 World Congress

¹⁵ <http://www.isreview.org/issues/52/islamophobia.shtml> Accessed 12/05/2009.

of the IIS in Budapest, Thomas Pierret and Mustafa Tekin observed independently that to this day the sociology of Islam remains a relatively neglected field.¹⁶

Furthermore, in orientalist scholarship, not only have the socio-economic, political and legal institutions of Islamic society been depicted as inferior to those of the West, but also the very foundations of the Islamic religion have been alleged to be historically indefensible. For example, Wansbrough (1977: 52) put forward a case to support his argument that the text of the Koran could not have been revealed to Mohammed (p.b.u.H.) in the early 7th Century CE but that it was compiled some 200 years later. Similarly Muslim Hadith scholarship, which holds that the recording of the Hadiths about the Sunna (example) of Mohammed (p.b.u.H.) began in the lifetime of the Prophet (p.b.u.H.) and culminated in the 9th Century CE in the classification of the Hadith according to the authenticity of their *isnad* (chains of narrators) has been rejected by orientalist scholars from Goldziher (1890¹⁷) to Schacht (1950). The latter argued that many Hadith date from the late 8th Century C.E. onwards, around which time false *isnad* were devised in a fraudulent attempt to prove that their earlier provenance was genuine. More recently, Burton has claimed that the Hadith were compiled with a view to establishing an interpretation of the Koran acceptable to 9th Century Muslim society (1994: xiii-xiv).

The legacy of these negative perceptions of Islam is a preference in Western Islamic Studies for 'an essentially "exogenous" form of teaching' (Ramadan, 2007: 2) 'under the guise of objectivity' (Ibid).

¹⁶ At a session of entitled 'The Sociology of Islam: An Inventory'. See http://www.scasss.uu.se/iis/pdf_reg/Bamyeh.pdf Accessed 07/08/2009.

¹⁷ Translated into English from the German by Barber and Stern in 1973.

While it is generally accepted that Jews, Christians, Hindus and Buddhists [...] can approach their field of study in an objective manner, everything seems to indicate that the same is not possible for Muslim faculty members, whose objectivity is cast into doubt (especially if they are practising Muslims). (Ibid)

Richardson has linked the doubt among Western academics about the ability of practising Muslims to be objective about their faith to the assumption that Arab Muslim society is inherently static, an assumption which owes its salience to 'the citational nature of Orientalism' (2004: 10).¹⁸

The academic environment in which Islamic Studies scholars have attempted to break free from the yoke of orientalism may seem remote from the subject matter of this investigation. Admittedly, orientalism was not explicitly discussed by any of the study participants at interview. However, racism, and more specifically, Islamophobia were discussed at length by participants in the context of the perceptions of the British host community of Arabs and Muslims. It is argued below that Islamophobic perceptions of Muslims are, at least in part, derived from orientalist ones. In this sense the relevance of orientalism to the study is significant. It should be noted however that just as it is erroneous to imagine that all Muslim scholars adhere to an orthodox view of Islamic identity based on an unqualified and literal acceptance of the founding discourses, the notion that all non-Muslims have an orientalist perspective is equally fallacious. There are many Western scholars, some of whom are quoted in this chapter, who deplore both

¹⁸ See Waldman (1978) *Islamic Studies: A New Orientalism*.

the influence that orientalism has had in the past and the legitimacy that it currently bestows on tendentious British media articles about Muslims.

Several orientalist constructs have been incorporated into Islamophobic British media publications. Islamophobia is a term first used in 1976 and defined in the Oxford English Dictionary (2006) as 'hatred or fear of Islam, especially as a political force; hostility or prejudice towards Muslims'. According to the Runnymede Trust Report, it incorporates a set of closed views of Islam, which is seen as:

A single monolithic bloc, static and unresponsive to new realities ... not having any aims or values in common with other cultures ... inferior to the West – barbaric, irrational, primitive, sexist ... violent ... supportive of terrorism ... a political ideology, used for political or military advantage ... Criticisms made by Islam of the West [are] rejected out of hand, hostility towards Islam [is] used to justify discriminatory practices ... and ... anti-Muslim sentiment is accepted as natural.' (1997: 5)

The orientalist provenance of the view that Islam is monolithic, inferior to the West, irrational and sexist is incontestable. However, as Richardson states:

Knowledge of orientalist scholarship - past and present - is key to understanding the context and significance of contemporary representations of Islam and Muslims across a wide range of social/political discourse, including journalism and other mass-communicated media as well as more 'academic' research. (2004: 8)

An example of a piece of academic writing in which an orientalist perspective is evident was produced by Hofmann (1999). He argues that through *ijtihad* the genuine message of five verses of the Koran that define the status of women¹⁹ can be properly understood. He has downplayed the extent to which Islamic and Western interpretations of these verses are incompatible. Moreover, he has failed to put forward a position of compromise between the two. Instead, he has based his argument entirely on secular value judgments. His interpretation of the verses under scrutiny would never be acceptable to traditional conservative Muslims, whose 'macho-attitudes typical of oriental mentality' (1999: 229) he patronisingly dismisses. In his attempt to arrive at a compromise between conservative Muslims and those with secular Western views on women's status and rights, he has resorted to using the above-quoted phrase, which is likely to cause offence to the former, as is his claim that his argument is based on *ijtihad*.

It may be concluded that, wittingly or not, orientalist scholarship has been instrumental in furnishing the theoretical basis of popular Islamophobia. While participants in this investigation did not mention the word orientalism, many of them were disturbed by the British media's Islamophobic attitude towards Muslims (see pp 186-187) and some had experienced anti-Muslim sentiment firsthand in their daily lives (see p 205-206).

Writing at the end of the 1970s on what was then a recently established discipline in the West, the historian Waldman described Islamic Studies as a field in which 'interdisciplinary research is still in its prehistory' (1978: 545) and went on to express the

¹⁹ 2:282, 4:3, 4:11, 4:34, 5:5.

hope that it would grow into 'an approach ... which takes advantage of what each of the [relevant] specializations has to offer' (Ibid: 562). This remark is of interest in the context of this study, in that it leads one to ask whether specialists from various disciplines have indeed contributed to the enrichment of Islamic Studies over the last thirty years, or whether the tendency has been for scholars within the field to enhance their work by studying the research methodology of related disciplines. A review of the literature would suggest the latter. Waldman concluded her assessment of the level of scholarship in the field at the end of the 1970s by observing 'that Islamic Studies seem to be returning ... to a kind of "orientalism"' renowned for its 'undisciplined sloppiness' (Ibid: 562).

Disenchantment with orientalism in Western academia may in part have resulted from the perception that the field lacked discipline, but in the Islamic world the influence of orientalism in Western scholarship has been linked to the dismissive attitude towards Islamic scholarship noted by Ramadan (see above p 28). This perception prompted Al-Attas to call for the Islamisation of knowledge, by which he meant the liberation of knowledge from interpretations based on secularism (1980: 43) and 'the infusion of Islamic moral and ethical values' (Ameer, 2007: 451) not only in the field of Islamic Studies, but in all academic disciplines. Furthermore, Seyyed H. Nasr claims that Christian-Muslim dialogue 'is coloured by the presence of that silent third partner, anti-religious secularism' (2007: 377). However, Muslim attempts to discredit secular Western scholarship have met with limited success, not least because in Islam 'the unity of knowledge [is seen] as a fundamental epistemological truth' (M. Khan, 2007: 505), and therefore it is illogical 'to maintain a stated or implicit boundary between secular and

sacred knowledges' (Ibid: 506). In Arabic, there is even an etymological link between the word for knowledge (*'ilm*) and the word for secularism (*'ilmaniyya*).

A work that has been more influential in drawing attention to anti-Islamic bias in Western scholarship has been Edward Said's *Orientalism* (1978). It was his intention to reverse the conventional Western approach to the study of Islam and the Arab world by presenting an analysis from the point of view of an 'oriental', thereby reversing 'the inherent dominative mode' (1978: 28) of secular Western scholarship. Although he was not a Muslim himself, he was a cultural critic of seminal importance on account of:

The ambivalence of his position, the many paradoxes he traverses and the tensions created in his own cultural identity [that] reveal the very complexity of the process of constructing one's identity in the modern post-colonial world. (Ahluwalia and Ashcroft 2001: 79)

The influence of his work on the orientalist discourse can still be detected in recent articles by writers such as Matin-Asgari (2004) and Ramadan (2007), but his arguments have been criticised in the West on the grounds that they unjustifiably undermine the knowledge base of orientalist scholarship. Alexander, for instance, denounced Said in vitriolic terms (1989: 49-50). Furthermore, since his constructs are based solely on a dialectical distinction between the West and Islam (Taji-Farouki, 2004: 1), Said has been criticised for being out of date on account of his failure to employ multiple frames of reference in his analysis of the relationship between Islam and the West. Abbinnett has suggested that:

[G]lobal-technological capitalism has both transformed and transgressed the nation state and civil society through which Said understands the logic of cultural production ... [a]nd ... perhaps his work ... is unable to register the political questions that arise from the global dispersion ... of humanity (2003: 202).

Said's work has also been criticised by feminists for the male-oriented perspective of his discourse and its failure to discuss Arab Muslim women's identity adequately, despite significant and dynamic developments, particularly the Iranian revolution, that were affecting women in the Islamic world at the very time when he was writing *Orientalism*. Indeed, as Reina Lewis has pointed out, he ignored the role of women in Islam just as orientalist themselves tended to (1995: 18).

However, it would be more accurate to say that orientalist have depicted Muslim women pejoratively rather than ignoring them altogether, although the direction that their negative discourse has taken has changed dramatically over recent decades. For example, on the subject of Islamic gender relations, neo-orientalist critique of has taken a different perspective from that which prevailed before extra-marital relationships and physically revealing female fashions had gained social acceptability in the West. It had previously been argued by orientalist that Islam encouraged a range of depraved and immoral sexual activities (Richardson, 2004: 14-16), but the increase in sexual permissiveness in the West has transformed the contours of the moral high-ground taken by orientalist. Ironically, neo-orientalist are promoting the very image of Muslim women that conservative patriarchal Muslims regard as ideal. Now the conservatism of their attitudes towards sex, marriage (particularly polygyny), divorce and female dress codes is

criticised as repressive, sexist and inequitable, whereas before Muslim society was condemned for its licentiousness. As Richardson points out: 'This shift reflects, not a change in the religion, but a reversal in Western values' (Ibid: 14). The shift towards cultural acceptance of extra-marital relationships among a significant proportion of members of the host community of Great Britain was reported by a number of study participants to be a factor making social integration significantly more complicated (see p 188).

2.2 Islamic Feminism versus Conservatism

At the 1970s, there was, as there is now, a wide spectrum of views on what the role of women should be in Muslim society. At one end of the spectrum were those who, heartened by the 1979 Iranian revolution, were constructing 'a conservative model of the Muslim woman, now marked by the hijab' (Badran, 2008: 102). At the other end were 'women throughout the Muslim world [who] had gained many rights - or as they noted, had recovered many of their Islamicly granted rights' (Ibid) and were in no mood to relinquish them again. Such women were the heirs of the modernist movement that had attempted to reconcile Islam and modernity.²⁰ It should be emphasised that the 'women throughout the Muslim world' to whom Badran refers were generally from a class background that gave them the opportunity to receive a higher education, whereas the 'conservative model' to which she refers, far from being a theoretical construct, reflected the reality of the majority of women in the Muslim world whose awareness of rights issues was limited by their level of education. As Ramadan (2001: 55) observes: 'If Islam

²⁰ See Kurzman (2002: 3-27) *Modernist Islam*, Oxford: OUP.

gives rights to women, it remains that they [women] need to know these rights in order to defend them.' However, in fairness to Badran, it should be acknowledged that the need for social change has often been articulated most effectively by the educated classes, and that in the Arab Muslim world:

The crisis of the Arab intelligentsia ... would not merit the attention it has been given if it did not symbolize and reveal a crisis of society as a whole.

Abdallah Laroui (2007: 345)

By the 1980s the scene was set for a heated debate between those Arab Muslim men and women who accepted women's 'continued subservient role, whether at work or in the family, in both of which she is supposed to bend herself to the will and dominion of men' (El Sadawi, 1980: 189) and those who challenged the legitimacy of this role under Islam. Gomez-Garcia states that 'this debate set the frame for the emergence, during the 1990s, of Islamic feminism' (2004: 2). The juxtaposition of these two words has been considered by those who believe feminism and Islam to be incompatible to constitute an oxymoron. For example, Anisa El Fatteh is of the opinion that:

It is unIslamic for Muslim women to align themselves or associate themselves in spirit or deed with the enemies of Islam, and feminism by its very definition is in opposition to Islam. In its past and present behaviors, it has openly demonstrated its rejection of the criterion of Allah (1994: 13).

El Fadl has suggested that progressive Muslim scholars should execute 'measured restraint and a degree of reasonableness so that the receiving body will not violently

reject [secular ideas].’ (2001: 99-100) However, it seems improbable that such a conciliatory approach would be successful in placating those like El Fatteh, for whom Islamic society is, and always has been, patriarchal. The legitimacy of the traditional view has long been disputed by Arab feminists whose arguments, like those of their opponents, include religious ones. Indeed, Badran questions whether there was ever a dispute among Arab feminists about the rights of women under Islam:

Suggestions or allegations of a supposed ‘clash’ between ‘secular feminism’ and ‘religious feminism’ may either be the product of lack of historical knowledge or, as in many cases, a politically motivated attempt to hinder broader solidarities among women ... The pioneering secular feminisms in Egypt and other Arab countries have always had space for religion ... When feminists plead for changes in the Muslim Personal Status Code they obviously advanced Islamic arguments.²¹

Writing in the early 1990s, Leila Ahmed followed this tradition of basing her feminist arguments on interpretations of the founding discourses. She claimed that it is not true that in the time of the Prophet (p.b.u.H.) women were neither seen nor heard, let alone that the silence of women in the Koran is intended as a model for their behaviour in perpetuity, and supported her position with evidence from the Hadith:

The Hadith narratives show women acting and speaking out of a sense that they were entitled to participate in the life of religious thought and

²¹ <http://www.feministzine.com/feminist/international/Islamic-Feminism-01.html> accessed 16/08/2009.

practice, to comment forthrightly on any topic, even the Quran, and to do so in the expectation of having their views heard. (1992: 72)

However, there continued to be considerable opposition to such views. Wadud (2002) recalls that at the Beijing Global Women's Conference in 1995 the lack of consensus among Muslim women delegates resulted in their failure to form a caucus. Traditional conservatives and secularists were poles apart on a range of women's issues, but there were also women whose position was somewhere between the two and 'while they would not give up their allegiance to Islam as an essential part of self-determination and identity they did critique patriarchal control over the basic Islamic world-view.'²² Wadud (Ibid) concedes that many of these women would have rejected the label 'Islamic feminist'. However, Gomez-Garcia claims that for those who accept it:

[T]here is no contradiction between being a religious Muslim and a Muslim feminist. Feminism becomes an awareness tool, a mechanism that allows for the rejection of restrictions placed upon women because of their gender, together with an effort to build a fully egalitarian gender system. (Gomez-Garcia, 2004: 3)

Gomez-Garcia proceeds to argue that global dissemination of Islamic feminist arguments, combining the Islamic methodologies of *ijtihad* and *tafsir* with those of established secular disciplines that contribute 'to an accurate interdisciplinarity' (Ibid: 4). has been facilitated by the internet Although it is possible that ultimately the internet could, paradoxically, make women more isolated and increase their physical seclusion if

²² Wadud, Amina (2002) A'ishah's Legacy in News International Issue 345, May 2002 <http://www.newint.org/features/2002/05/01/aishas-legacy/> accessed 04/08/2009.

they 'can more easily stay at home, while continuing to participate in a computerised workplace' (Mazrui, 2001: 23), the development of an interdisciplinary approach to Islamic Studies is particularly relevant to Muslim women in the West, whether they are first or second-generation migrants or indeed transmigrants (see p 25). Global access to this approach, which adds impetus to the dynamism inherent in Islamic identity by empowering and enabling women to examine the founding discourses for themselves, is available to them from a plethora of internet websites offering information, advice and assistance. Women are no longer secluded from sources of knowledge now that the barriers that prevented them from communicating with authorities outside the home can be bypassed via the internet:

Anyone literate in Arabic with a personal computer ... can investigate the sources of Islamic law and question the reigning interpretations (Kurzman, 1999: 5).

[Websites] have the potential to transform aspects of religious understanding and expression, and the power to enable elements within the population to discuss aspects of religious interpretation and authority with each other, and to consult with authorities both from traditional and nontraditional centres, in some cases subverting what were conventional channels for opinions on religious issues (Bunt, 2003: 202).

The 'nontraditional centres' to which Bunt refers provide access to sociological and philosophical ideas about equality, opportunity and the fulfilment of personal potential. Badran recalls how:

In the 1990s, I experienced a new interconnectivity unfolding via the Internet, as Muslims, mainly (but not only) women, excitedly circulated their new egalitarian readings of Islam and thus imbued the budding new Muslim cosmopolitanism with a distinctly progressive character. (2008: 113)

By contrast in *Globalised Islam* (2003) Roy has focused on websites created by those who promote their patriarchal vision of Islam, mainly (but not only) men. Typically, they present snapshots of their personal identity and proceed to link it to their vision of globalised Islam (Ibid: 183-184). While such websites may have considerable influence, they do not all put across the same message. On the contrary, they represent a variety of perspectives, often contesting their positions zealously, but one thing that they have in common is that their analysis of Islamic identity lacks academic rigour. They tend to rely on *taqlid* (adherence to historical precedent) and promote 'the Shariah as the model for immutable law' (Ameer, 2007: 337).

Given the largely uncensored nature of the internet Barazangi (2004) cautions against the absorption of unmonitored interpretations of Islam posted on websites. Following several contemporary scholars such as Al-Farouqi (2000) in stressing how important it is for Muslim women to achieve their own personal interpretation of the Koran, she emphasises that this must be accomplished 'without intermediary' (Barazangi, 2004: 24), and that it can only be achieved by those with the intellectual capacity for 'metacognitive learning or a higher-order thinking' as opposed to 'recall of facts' (Ibid: 87). Only in this way, she argues, can a Muslim achieve *taqwa* (equilibrium) (Ibid: 119). Thus, she not only emphasises that women need to be highly educated if they are to

undertake a personal interpretation of the Koran, but she also appears to be advocating a Western approach to education rather than a traditional Islamic one. By so doing she is effectively calling for a redefinition of the concept of *ijtihad*, which, in its legal sense, has been defined as:

[A]n intellectual tool that seeks to articulate Islamic laws about issues on which the Quran and the Sunna are decidedly silent (M. Khan, 2007: 501).

This continues to be 'the contemporary understanding, shared widely by formally trained Islamic jurists' (Ibid), who regard *ijtihad* as a key 'source of Islamic law and jurisprudence' (Ramadan, 2004: 48). However, the question of who is qualified to be a *mujtahid* is critical. Traditionally, there are seven requirements,²³ and Ramadan implicitly states his conviction that these should continue to be adhered to:

'The Muslim community, *through its ulama* [emphasis supplied], should still be fulfilling this fundamental duty [ijtihad] today' (Ramadan, 2004: 48).

His position is clearly opposed to Barazangi's and her advocacy of personal interpretation, subject to intellectual capacity, of the founding discourses. In this investigation it was felt to be important to discover whether Muslim women in Great Britain are more inclined to agree with Barazangi or with Ramadan. Several participants had clearly formulated coherent views on who should be permitted to exercise *ijtihad* in their interpretation (see pp 167-172).

²³ See Hallaq (1984: 5) for these requirements as stipulated by Abu Hamid al-Ghazali (d. 1111 CE). See also Ramadan (2004: 47).

In the Koran Muslims are repeatedly exhorted to observe, to reflect and to apply reason in order to understand the nature of creation²⁴, and in one verse they are specifically encouraged to reflect on the nature of the relationship between men and women:

He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect. Koran 30: 21

Muslim women who do not accept the patriarchal status quo in the Arab world have questioned the traditional interpretation of these signs and have drawn attention to the way in which Arab educational systems serve to reinforce this interpretation. For example, Alghamdi argues that:

[T]he emphasis on 'memorization' rather than critical thinking and creativity ... [in Saudi Arabia] is contributing indirectly to the prevalent gender discourses. In other words, uncritically following the molded positions and roles for men and women is influenced by the politics of education ... Additionally, religious texts ... are taught with the same philosophy. A student is prohibited from asking questions related to religion or cultural traditions ... Since school knowledge is dominated by men then it does not 'challenge the gender division of labor or the social constructs of what is legitimate and proper for men and women' (Stromquist, 1989, p.175) (2006: 54-55).

²⁴ Koran 3.191, 6.97, 7.176, 10.24, 30.7-8, 34.46, 39.42, 45.13 and 59.21.

Alghamdi continues:

Although the school administration which is female may not seek to oppress women and girls, it makes no efforts to change the status quo. Gender ideologies perpetuated for so long have convinced many Arab Muslim women and men that women's nature is different from that of men's and that women's education should be limited to what is helpful to women's 'primary' role as wives and mothers (Ibid: 56).

The educational philosophy behind the teaching of all subjects including Islamic Studies is indeed totally different in the Islamic world from that which prevails in Great Britain and the West. Table 2.1 overleaf summarises the key differences by presenting an example of the approach to tertiary Islamic Studies in the Arab world – that taken by Umm Al-Qura University in Saudi Arabia²⁵ and comparing it to the prevailing approach taken at British universities. The two approaches have been designed to achieve different objectives, although they are both driven by perceptions of self-interest. Umm al-Qura University aims to instill in students an understanding of the revelations of the Prophet (p.b.u.H.) along with knowledge of all aspects of the Shariah and Islamic culture. Students are made aware that, having graduated, they will shoulder the responsibility for the promotion of Islamic religious knowledge, and for providing Islamic admonishment, guidance and legal verdicts throughout Saudi Arabia, under the auspices of the relevant government ministries. The university aims to ensure that they interpret Islam in accordance with the Sunna of the Prophet (p.b.u.H.) and that they apply their knowledge

²⁵ At the College of Da'wa and Usul-ud-din (Call to Islam and Religion's Fundamentals), Makka <http://www.uqu.edu.sa/english> Accessed 19/05/2009. While Islamic Studies curricula in universities in the Arab world may vary, it is generally true to say that they are based more on primary source materials than curricula in the West.

practically in their lives as an example to others, thus contributing to the preservation of traditional Islamic moral and ethical heritage, in accordance with the pragmatism of the kingdom's educational policy, which takes a measured response to calls for change,²⁶ being mindful of the dangers inherent in precipitous reforms.

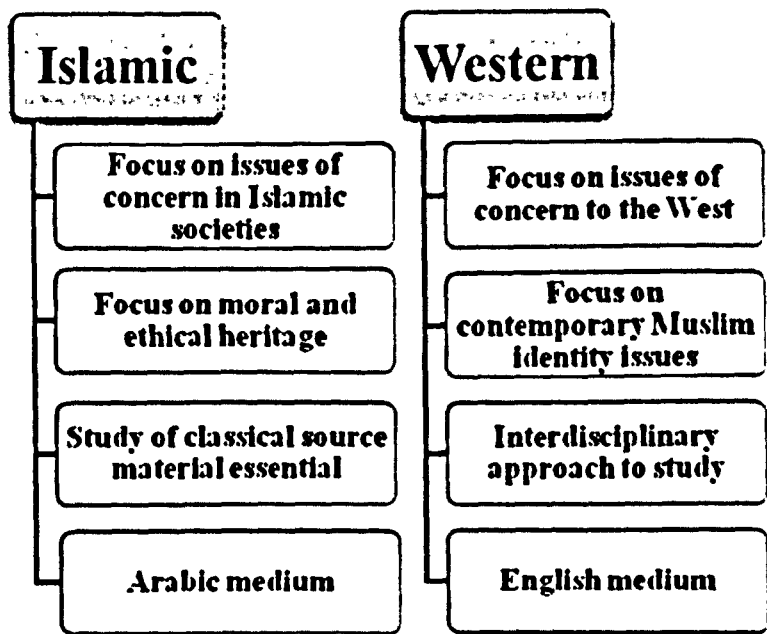


Table 2.1: Salient Islamic and Western²⁷ approaches to Islamic Studies

If the approach to Islamic Studies in Saudi Arabian universities seeks to maintain social stability by reinforcing established religious and cultural norms accepted by the traditionally minded, in British universities the dominant focus is aimed at developing an

²⁶ As epitomised in King Abdullah's statement in an ABC News interview with Barbara Walters: 'I believe the day will come when women drive. In time, I believe it will be possible. And I believe patience is a virtue' (14/10/2005) www.abcnews.go.com/2020/International/story?id=1214706&page=1 Accessed 03/08/2009.

²⁷ While the focus on contemporary issues is currently dominant, historical research into Islam continues to be important in the West.

understanding of the effects of change on identity, both among migrant groups and within the host community. Ramadan (2007: 1) states that the most significant growth area within Islamic Studies at British universities has been migration studies, with its focus on the presence of a significant Muslim migrant population in Great Britain and other Western nations, and the effects of that presence on domestic policy issues and national identity. Certainly a perusal of Islamic Studies academic journals like *Comparative Islamic Studies* and the *Journal of Muslim Minority Affairs* confirms that there is indeed a significant level of interest in Muslim migration. It is because the discipline has focused on contemporary issues that scholars are embracing the methodologies of other relevant fields. As Feener states:

The established Islamic Studies methodologies developed to deal with the medieval period, such as philological analyses of texts and the documentation of chains of teacher/student transmissions of knowledge, are simply inadequate for dealing with the intricacies of the modern period. (2006: 24)

Ramadan does not take issue with this argument, but he is concerned that the traditional core of Islamic Studies – ‘the study of religious thought proper (of theology, of its premises, its internal complexities and its development) has been relegated to a subsidiary position, if it is not totally absent’ (2007: 2). He is also concerned that in migration studies Muslims are being studied ‘as people who make up an objective, demographic, cultural or political threat’ (Ibid: 4), although he is optimistic that the increasing numbers of Muslims in the West who are enrolling in Islamic Studies courses ‘bringing with them their knowledge and sensibilities – from within’ (Ibid) will result in a

more balanced and coherent approach to the discipline. It is hoped that the identity of the present writer will contribute to this trend even though her investigation falls broadly within the area of migration studies. However, the effects that the identity of a researcher has on the outcome of a qualitative research study are difficult to assess and require further discussion.

2.3 The Identity of the Researcher²⁸

Embarking on a qualitative investigation into identity such as this one without being able to communicate with participants in their first language must surely put the researcher at a disadvantage. Attitudes and values conveyed by a certain word or phrase can be lost in translation from one language to another. Moreover, the selection of words in a translation is influenced by the values of the translator (Roald, 2001: 69), as the following two examples illustrate. The connotations of the term 'fundamentalist' in English and Arabic are not the same. In the British media Muslim fundamentalists are associated with extremism and acts of terror against the West (Poole and Richardson 2006: 118). However, the Arabic word *usuli* (fundamentalism) does not have any connotations of violence. Since practising Muslims believe the founding discourses to be the basis of Islam they are all, in this sense, fundamentalists.²⁹ To take another example, the term *taqlid*, meaning acceptance of the Shariah as interpreted by one of the four Sunni *madhahib* (see pp 65-67) in all legal cases without recourse to *ijtihad*, is often associated

²⁸ See also Chapter 6 pp 114, 117-118 for methodological considerations of this.

²⁹ Fundamentalism may also imply support for the Hanbalite argument that legal judgments should always be based on the founding discourses, as opposed to the analogous reasoning of *madhahib*, on the grounds that their *fiqh* (jurisprudence) is not of divine provenance. See Amjad ibn Muhammad Rafiq's translation of Ahmad Ibn Hanbal's *usool us-sunnah* (2003: 45).

with the negation of the spirit of inquiry and even runs contrary to the concept of progress in the West (Brown, 2004: 125), whereas for many conservatives it implies an acceptance of the judgment of legal experts in the spirit of pious humility.

In spite of the essential nature of Arabic as a key that provides access to source materials, language skills are not widely regarded as an essential requirement for students of Islamic Studies in Great Britain. With a few exceptions such as the School of Oriental and African Studies of the University of London neither knowledge of nor fluency in Arabic is an entry requirement for prospective Islamic Studies students, even at postgraduate level. For example, the University of Manchester postgraduate programme 'is designed to cater for students with no knowledge of Arabic'.³⁰ Imtiaz Ahmad has observed that many non-Arab scholars and students of Islam are not linguistically proficient to conduct Islamic Studies research. While he recognizes the importance of English as an international language in the field he considers it inappropriate to award degrees in Islamic Studies to students who are unable to access primary source material, and suggests that their qualifications should be awarded 'in the departments of history or culture and not from the department of Islamic Studies' (2001: 282). Similarly it may be argued that researchers pursuing investigations into the identity of contemporary Arab Muslims are inevitably at a disadvantage when they are unable to communicate in the first language of their participants. Therefore a strong case can be made for regarding knowledge of spoken Arabic, as well as the written form, as a *sine qua non* for researchers in Islamic Studies.³¹

³⁰ See <http://www.hotcourses.com> Accessed 06/12/2008.

³¹ In the context of Great Britain, the same argument could be put forward for requiring researchers to have knowledge of one or more South Asian language.

While there can be little doubt that sharing a linguistic heritage with one's informants enables a researcher to communicate more effectively, the advantages of being a cultural and religious insider are open to question. Fazlur Rahman did not consider the religious beliefs of Islamic Studies researchers to be as important as their academic knowledge and training (1985: 191-192). He welcomed the cooperation of non-Muslim scholars and their 'quasi-scientific (intellectual) knowledge of a religious experience' (1985: 69). On the other hand, since Islam has an epistemological framework presenting 'an interactive and integrated outlook' (Sardar, 2003: 40) that underlies all fields of study there can be little doubt that non-Muslim scholars wishing to understand and judge Islam 'in terms of its own aims and its own perspectives' (Seyyed H. Nasr, 1968: 9) have to undergo a considerable amount of intellectual reorientation.

Roald has argued that empathy is more critical than objectivity, and that when it comes to entering 'another person's "inner reality", people of the same world-view are closer to doing so than people of different world-views' (2001: 73). In the context of her study of Islamists in Europe she emphasises the significance of her Islamic identity:

In my discussions with Islamists I posed provocative questions which if they had been posed by a non-Muslim researcher might have been dismissed or brushed aside with the argument that 'this is a Western concept' or 'these are feminist ideas'. (Ibid: 75-76)

Although Roald's hypothesis is plausible it is worth considering how her male respondents might have responded to some of her more sensitive questioning if it had come from an *Arab* Muslim woman researcher. It is possible that they would have put forward dismissive arguments similar to those that Roald suggests they might have used

if the questions had been posed by a non-Muslim. If so, her identity as a Westerner might be considered as significant as her identity as a Muslim if not more so, in determining how she was perceived by her respondents.

The significance of the identity of a researcher is a contentious issue not only in Islamic Studies but in all qualitative research. Coffey noted that the multiple relationships between the researcher's identity, her field of study and her informants in the field have not been given adequate attention, arguing that it is important to take account of the fact that fieldwork 'helps to shape, challenge, reproduce, maintain, reconstruct and represent our selves and the selves of others' (1999: 8) While I was interviewing I endeavoured to maintain an attitude comprising a mixture of friendliness and impartiality as I discussed matters of identity with participants, some of whom challenged my socio-cultural perceptions. My experience of using qualitative research techniques has led me to agree with the substance of Coffey's above argument, and to conclude that she is right to call for 'recognition of the fact that the ethnographic self is the outcome of complex negotiations' and that her observation that 'the definition and location of the self is implicitly a part of, rather than tangential to, the ethnographic research endeavour' (Ibid: 36) is also correct. Moreover, her inclination to question the notions that in a qualitative interview an outsider's sense of estrangement is an essential analytical tool, that familiarity may result in important things being taken for granted or overlooked (Burgess, 1984: 24) and that denial of self is an epistemological necessity for researchers also appears to be well founded (Coffey, 1999: 21).

In the context of this investigation it may be argued that my own ethnic and religious identity (see pp 125 and 128-130) made me either more or less effective as an

interviewer of Arab Muslim women, depending on whether empathy or objectivity is regarded as more important. My positionality has been influenced on the one hand by my Saudi Arabian cultural and educational background, and on the other hand by my academic research and wider experiences of life in Great Britain. While both of these have increased my understanding of the socio-cultural practices of the host community, I have retained my faith in traditional Islamic identity and beliefs. In this sense I am living in two worlds, with the contradictions implicit in my acceptance of opposing perspectives remaining to some extent unresolved. My awareness of this intellectual dilemma has better enabled me to understand the challenges that my study participants faced as they strove to define their social identity. At interview I encouraged them to reflect on and to articulate their thoughts on their relationship with Islam, and they would often do so by making comparisons between their countries of origin and Great Britain, thereby providing 'insider' perspectives on the discourse on Islamic identity in the West and contributing to the trend in Islamic Studies cited by Ramadan (2007: 4) in his article about the future of the discipline.

2.4 Conclusion

Since the 1970s it has been recognised in the West that Islamic Studies deserves to be regarded as a discipline in its own right as opposed to a branch of oriental studies or comparative religion. One reason for this recognition is that under Islam so many established areas of knowledge – architecture, law and theology to name but a few, have acquired a distinct character. Secondly, according to recent calculations by the Pew

Forum,³² Muslims now make up some 23 per cent of the entire global population. Moreover, the fact that there has been a sharp increase in the number of Muslims residing in Western countries over recent decades appears to have contributed to a heightened level of interest in their religion and culture, as is clear from the burgeoning number of Islamic Studies publications in the West by eminent scholars cited in this thesis such as El Fadl, Esposito, Kurzman, Ramadan, Rosen and Fetzner and Soper. Thirdly, there has been no shortage of funding, much of which has been supplied by Gulf region sponsors for the establishment and expansion of Islamic Studies in the West.³³

It has also been recognised that the anti-Muslim bias for which orientalism has been responsible should have no place in modern Islamic Studies scholarship in Great Britain or elsewhere in the West, and yet it is possible to find evidence of stereotypical notions about patriarchal Muslim attitudes in academic journals. However, it is in the media that such notions, supported by images of women wearing *hijab* or *niqab*, are now most frequently promulgated, as participants in this study were acutely aware (see pp 186-187). On the other hand, there is also a growing body of academic literature in which Islamophobic media discourse has been criticised for its dissemination of anti-Muslim prejudice. Such literature is part of the trend within the discipline of Islamic Studies to which Ramadan refers as 'migration studies' (see p 50) – investigations such as this one into the challenges of integration faced by migrants to Great Britain. The contemporary focus of many of these investigations has meant that, unlike Islamic Studies in the Arab world, they tend not to be concerned with theological and philosophical aspects of the

³² <http://www.pewforum.org/newassets/images/reports/Muslimpopulation/Muslimpopulation.pdf> Accessed 1/10/2009.

³³ For example, the academic partnership between the University of Aberdeen and the Al-Maktoum Institute – see www.almi.abdn.ac.uk/page.php?id=196 Accessed 13/10/2009.

Islamic faith. In addition, the contemporary focus has prompted researchers to employ the methodologies of associated disciplines in order that they might produce findings that comply with accepted academic benchmarks, thus contributing to the interdisciplinary nature of the subject. For example, in the fieldwork conducted for this investigation, qualitative interviewing theory was applied. However, for a subject to be truly interdisciplinary, the input of scholars who are expert in other fields is needed. In the literature review conducted for this investigation, evidence of input from legal academics such as Poulter (see pp 102-109), Rohe (see p 107 and 136), Jarman (see p 111) and Bano (see pp 111-112) was particularly encouraging.

In the interpretation of core elements of Islam, in particular the founding discourses, the opportunities for research provided by the internet are undeniable. However, these opportunities are accompanied by dangers, particularly to those who are unsure of how to assess the reliability of websites as providers of authentic source material. Nevertheless, '*ulama*' no longer have the monopoly on interpretation that they have traditionally had, and this has serious implications for their status as experts. Many participants in this investigation expressed firm opinions on who should be regarded as qualified to interpret the founding discourses (see pp 167-172).

Whether one is interpreting the founding discourses or interviewing migrants from the Arab world, one qualification that is undeniably valuable is a thorough knowledge of Arabic, preferably with native-speaker fluency. It is ironical that in the past orientalist scholars, for all their shortcomings, were aware of this and regarded their linguistic proficiency as essential for the study of Arabs and Islam, whereas currently many British universities do not insist on knowledge of Arabic as a requirement for

postgraduate Islamic Studies scholarship (see p 52). While their decision may be explained as a result of a drive to make the field more interdisciplinary, it appears to the present writer to be a misguided one. While it has been argued that the advantages of speaking the same mother tongue as one's informants are rather obvious, no firm conclusions were reached about the advantages and disadvantages of being a cultural or religious 'insider'.

The following chapter looks more closely at aspects of both the Islamic and the vernacular heritage of Arab Muslim women that have had or continue to have an impact on their identity and status. While Arab Muslim women in Great Britain, especially those who are in a position to act independently of their extended families, may often reject aspects of their vernacular heritage after their arrival here (if they had not done so prior to their arrival) they do not necessarily choose to adopt Western gender roles. Their reasons for not doing so are discussed towards the end of the chapter.

Chapter 3

Muslim Women's Identity in the Arab World: Law and Custom

Identity is a fundamental part of how groups comprehend their kinship – which may be an imaginary connection, though none the less powerful for that. Gilroy in Woodward, *Identity and Difference* (1997: 302)

3.1 The Status and Identity of Women under Islamic Law

The decision to include in this investigation Muslim participants from across the Arab world does not imply allegiance to the political notion of Pan-Arabism. Rather, it was made because Arab Muslims share an incorporative identity in which:

[I]t becomes difficult to distinguish between the cultural and the religious; both merge in a single formulation of action, certain sets of propositions about man, society and the world. These formulations or value orientations continue in the face of social or political fragmentation.³⁴ (Khuri 1990:49)

Daniel Brown has emphasised the centrality and importance of Islamic law in determining Muslim identity (2004: 133). Islamic law covers all aspects of spiritual and temporal life from an ethical perspective (Al-Ati, 1977:16). The religious integrity of Muslims is defined by two criteria. The first of these involves the performance of '*ibadat*

³⁴ Khuri was writing specifically about Sunni Muslims.

(religious rituals), foremost of which is prayer.³⁵ Underlying the performance of this basic duty is *iman* (faith) in Islam as articulated in the *shahada* (declaration of belief). Muslims are also expected to perform *sawm* (fasting), *zakat* (almsgiving) and, if possible, *hajj* (pilgrimage to Makka). Anyone who fails to do these things is considered '*asi* (disobedient) to the pillars of Islam.³⁶ The second criterion involves demonstration of the ability to behave justly in *mu'alamat* (human relationships), in other words to obey the law, in the Western sense of the word. There are certain types of behaviour from which Muslims are required to refrain. A person who is *fasiq* - guilty of sin, for example by drinking alcohol, gambling or having extra-marital sex³⁷, or *munafiq* - hypocritical and therefore untrustworthy³⁸ has failed to conform to the moral and ethical standards of the religion.

All Islamic legal judgments have to be based upon the texts of the founding discourses of Islam and therefore they never conflict with ethical considerations. Only about eighty³⁹ of the 6,237 verses of the Koran contain laws on *mu'alamat*. Included in this number are the following verses on the personal status of women in Islam (see footnote p 36). In Verses 4:19-21 men are commanded not to take women against their will or to treat them harshly. Furthermore the gifts of property or money (*mahr*) that a man must give to a woman at the time of her marriage may not be taken back except in cases of open infidelity. According to Hallaq (2005: 23), while this feature of Islamic law

³⁵ 'Between a man and non-belief (*kufir*) is the leaving of prayer.' Sunan at-Tirmidhi, Book of Faith 2543-44; Sunan Abi Dawud, Book of Sunna 4058; *Sunan an-nisai*, Book of Prayer 460.

³⁶ Sahih Bukhari 4: 203, 9: 258 and Sahih Muslim 1: 159, 14:4027.

³⁷ Sahih Muslim 1: 104 – 110, 1: 159.

³⁸ Sahih Bukhari 1: 33; Sahih Muslim 1: 111 – 115, 1: 159.

³⁹ Various estimates have been made of the number of verses of the Koran constituting source material for the Shariah. See Lippman et al. (1988: 29), Khan (1983: 24) and Goitein (1960: 25).

predates the Koran, another law designed to ensure the financial security of women was a 7th Century CE innovation:

Allah commands you as regards your children's (inheritance): to the male a portion equivalent to that of two females; if (there are) only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. (Koran 4:11)

Taken in isolation, this verse clearly favours sons over daughters, but its effect in combination with Verse 4:19 (containing the law governing *mahr*), is to restore the economic balance between the sexes, since although men are to inherit a larger share of their parents' estate, they are also to be responsible for ensuring that married women are financially independent (see p 102). Another innovative reform in the area of personal status law was designed to offer women greater protection than they had had previously from husbands who sought divorce without due consideration. The Koran (65:1-6) stipulates that three menstrual cycles should be completed before a divorce can be finalised. The waiting period, known as '*iddah*', not only reduces the chance of a dispute over the fatherhood of an unborn child but also allows for the possibility of marital reconciliation. It is also revealed that polygyny is a legal practice under Islam (Koran, 4:3). Again, the context of this revelation indicates that concern for the protection of women, specifically those who have become orphans, is the principle behind the law. However, in the same verse it is stated that all wives must be treated justly, and in a later verse (4:129), that perfect justice among wives is unattainable. Polygyny is therefore permitted only as a means of preventing the occurrence of even greater injustice to women (Al-Ati 1977: 118).

The legal reforms of personal status law in the Koran form part of a wider mission undertaken by the Prophet (p.b.u.H.) to bring justice to 7th Century CE Arabian society, which gained the potential for growth by broadening its kinship-based structure into a religiously-bound one. Mohammed (p.b.u.H.) incorporated some existing customs into the nascent system of jurisprudence and implicitly afforded legality to others by not repealing them, thereby including 'the local in the religiously universal and add[ing] credence to both' (Rosen, 2000: 182).

Crone and Cook (1977:7) have cited evidence⁴⁰ that the Koran had already been recognised as a distinct legal code within a generation of the death of Mohammed (p.b.u.H.). The basic social unit of the new religion was not the tribe but the person, 'a socially situated and contextually constructed embodiment of a set of traits and ties attributed to one by others' (Rosen, 2000: 184) - hence the importance in Islam of oaths and contracts, not least marriage contracts, and the related issues of trust and reliability. This 'personalism' is not to be confused with the Western concept of individualism with its 'separable domain of interiority as the hallmark of one's identity' (Ibid. 185).

While scholars influenced by orientalist perspectives (see p 36) have cast doubts over the influence of Mohammed (p.b.u.H.) on the subsequent development of the Shariah by questioning both the date when the Koran itself was written down in its final form⁴¹ and the historical reliability of the Hadith⁴² Rosen, basing his argument on his observations of the legal systems in the contemporary Arab world, is convinced that elements of the Prophet's (p.b.u.H.) jurisprudential philosophy have survived to this day

⁴⁰ The writings of the Armenian Bishop Sebeos dating from the 660s CE.

⁴¹ Wansbrough (1977: 52).

⁴² Goldziher, I. (1973, II: 18), Schacht, J. (1950: 165), Juynboll, G. H. A. (1983: 11-14) and Calder, N. (1993: 28).

(2000: 178). He argues that the orientalist view of the origins of Islamic law is based on an understanding of law as a form of command embedded in statutes regulated by professionals whereas:

The Shariah is not just a body of substantive laws but a number of procedures which derive and reciprocate legitimacy from being shared with modes of thought that cross-cut numerous domains of social life (2000: 93).

There is a far greater volume of source material for the Shariah in the Hadith, as narrated 'through a documented chain of transmitters' (Hallaq, 2005: 201) than there is in the Koran. Conservative Muslims believe the Hadith to be a reliable source for the Sunna of the Prophet (p.b.u.H.) and reject arguments that discredit the integrity of early Muslim scholars and thus challenge the very foundations of Islam. By contrast secularists tend to accept that the Hadith were written down a century and a half after the death of the Prophet (p.b.u.H.) and use orientalist arguments that support this claim to further their case for the reform of Islam. For example, Barlas argues that 'abidingly misogynistic' (2002: 65) practices were absorbed into the text of the Hadith in the 8th and 9th Centuries CE and were given the same exalted status as the practices dating back to the time of Mohammed (p.b.u.H.). This author regards the debate over the dating of the Hadith as a distraction from the study of their content, which is invariably linked to themes in the Koran itself. (Brown, 2004: 91) Moreover, as Esposito has pointed out, even if one rejects the authenticity of the *isnad* (chain of narrators) of a Hadith this 'need not detract from the authenticity of a tradition's content and common acceptance of the

importance of tradition literature as a record of the early history and development of Islamic belief and practice' (1998: 81).

While there are reliable Hadiths that can be interpreted as misogynistic there are others that convey an attitude of tolerance and sympathy towards women. Thus on the one hand there are those in which women are presented as a source of male temptation,⁴³ deficient in both intellect and religion.⁴⁴ There are also those⁴⁵ that confirm that husbands may need to beat their wives if they behave badly, as stated in the Koran (4:34). On the other hand in some Hadith women are presented as deserving of kindness from their husbands;⁴⁶ as being equal partners in marriage;⁴⁷ as suffering when faced by the prospect of a husband contemplating polygynous marriage;⁴⁸ as having legitimate grounds for seeking a divorce on the grounds of incompatibility;⁴⁹ and, provided that they do not remarry, as being entitled to the custody of young children after divorce.⁵⁰ With regard to the kind of veiling required of women by Islam there are a few Hadith⁵¹ that provide guidance for women on how to dress modestly, but many more are devoted to descriptions of male clothing, with reference to the Prophet (p.b.u.H.) and His companions. The conservative view, with which this writer concurs, is that no Hadith should be taken in isolation, because this can result in an unbalanced understanding of the

⁴³ Al-Bukhari, Book of Fasting # 1762, Muslim, Book of Belief # 208, at-Tirmidhi, Book of Afflictions # 2184.

⁴⁴ Al-Bukhari, Book of Menstruation # 293, Book of Almsgiving # 1369, Muslim, Book of Faith # 114, at-Tirmidhi, Book of Faith # 2538.

⁴⁵ At-Tirmidhi, Book of Foster Relationship # 1083, Ibn Majah, Book of Marriage # 1841.

⁴⁶ Al-Bukhari, Book of Marriage #4787; Muslim, Book of Foster Relationship # 2671.

⁴⁷ At-Tirmidhi, Book of Foster Relationship # 1083; Ibn Majah, Book of Marriage #1841.

⁴⁸ Al-Bukhari, Book of Marriage #4829; Muslim, Book of Virtues of the Companions # 4482; at-Tirmidhi, Book of Virtues # 3802; Abu Dawud, Book of Marriage # 1773; Ibn Majah, Book of Marriage # 1988.

⁴⁹ Al-Bukhari, Book of Divorce #4867; *an-nisai*, Book of Divorce # 3409; Ibn Majah, Book of Divorce # 2046.

⁵⁰ Abi Dawud, Book of Divorce #1938.

⁵¹ An-Nisa'i, Chapter on Decoration # 5242; Abu Dawud, Chapter on Dressing #3578 and 3580; al-Bukhari, Chapter on Prayer # 359 and Chapter on Menstruation # 313.

Sunna of the Prophet (p.b.u.H.). By looking at each Hadith not only in its own context but also in the context of the whole corpus of the Hadith, with cross-reference to the Koran, one gains a sense of how the divergent situations presented as exemplars allow for the resolution of disputes according to their specific circumstances.

A distinction between the Shariah and *fiqh* was drawn in Chapter One (see pp 21-22). While the former is based on the revelations and traditions of the Prophet (p.b.u.H.) as recorded in the texts of the Koran and Hadiths, the latter may be defined as the body of jurisprudence emanating from the collective - albeit imperfect - human understanding of the will of God, regarding issues that were not specifically defined in the founding discourses – an understanding developed by reasoned argument among ‘*ulama*’ (legal scholars) from the 8th Century CE onwards. Naturally, these ‘*ulama*’ had differences of opinion over ‘the role of human reason in interpreting the divine texts’ (Hallaq, 2005: 124). Their differences resulted in the formation of *madhahib* (schools of law) named after eminent 8th and 9th Century CE scholars, four⁵² of which have survived to this day in Sunni Muslim society, each applying its distinct methodology and doctrinal basis in courts of law, or through *fatawa* (legal decisions). (Ibid. 156)

As the 9th Century CE progressed, the more extreme positions in the conflict between rational and literal interpretations of the founding discourses were to lose support, with the majority of ‘*ulama*’ taking *al-umma al-wasat* (the middle ground), and on many issues all four *madhahib* were in agreement. For example, the classification of human behaviour (in respect to both ‘*ibadat* and *mu‘alamat*) into five categories - *fardh*

⁵² Abu Hanifa (d. 767 CE), Malik ibn Anas (d. 796 CE), Muhammad ibn Idris al-Shafi‘i (d. 822 CE) and Ahmad ibn Hanbal (d. 855 CE).

(mandatory), *mandub* (voluntary but commendable), *mubah* (neutral), *makruh* (reprehensible) or *haram* (forbidden), was recognised by them all (Hallaq, 2005: 131).

However there remain significant differences between the four *madhahib* in their interpretation of passages in the founding discourses on the personal status of women. With regard to marriage contracts, the Hanafite *madhhab* is more flexible than the other three, since its jurists were more inclined to apply the rationalist concepts of *ra'y* (personal judgment) and *istihsan* (juristic preference). For example women are given the option of inserting a clause into their marriage contract preventing a prospective husband from taking additional wives, basing this rule on the principle that the Koran does not make polygyny mandatory. (Leila Ahmed 1992: 91) Moreover, even virgins are permitted to enter into a marriage contract without the consent of a *wali* (guardian), whereas the other three *madhahib* only allow such independent marriage contracts to be signed by widows. The Hanafites disagree with their interpretation on the grounds that, since women are permitted under all the *madhahib* to make sales contracts, they should also be allowed to make marriage contracts. The reasoning behind their position is that in all kinds of contracts one is putting one's interests at risk. (Şentürk, 2005: 22) In divorce law too, the Hanafites tend to be more liberal towards women by allowing them rights, equal to those of men, to a unilateral dissolution of marriage without bringing the matter before a court, whereas the Shafi'ites do not permit women to dissolve their marriages unilaterally. Both the Hanafites and the Shafi'ites accept that women are entitled to file for divorce in court, in which case the dissolution is produced by a *tafriq* (court decision). (Ibid) The number of grounds for divorce that a court will accept is greatest under the Malikite *madhhab*. Not only may a woman file for divorce on grounds of her husband's

sexual impotence, but also on grounds of his chronic disease, cruelty, desertion or failure to provide maintenance. (Leila Ahmed 1992: 91)

Having discussed the nature of Islamic law and the various interpretations of it on issues connected to women's personal status in this section, the next section looks at some of the traditions of non-Islamic origin that have had a significant impact on the social status and identity of Arab Muslim women over the centuries.

3.2 Vernacular Arab Customs

One Arab custom commonly regarded as misogynistic in the West, is that of endogamy within a clan, whereby sons, having married the daughters of their fathers' brothers, continue to live in the home of their parents thus perpetuating the phenomenon of virilocal marriage. Tillion (1983: 167) argues that this practice developed as Arabs began making the transition from pastoralism to agriculture, which resulted in an increased need for labour. However, as Gellner points out, this explanation for the intermarriage of cousins is illogical, for the demand for agricultural labour in many non-Muslim agricultural societies is met by 'a judicious exchange of manpower generating brides' from outside the clan (1981: 33). The phenomenon of endogamy stems from the pastoralist nature of Arab tribal communities, with the need for adjacent communities to protect their grazing lands and secure access to water. There is no evidence to suggest that Arabs absorbed endogamous practice through their interaction with agriculturalists in conquered lands: it is more likely to be an element of Arab culture that predates Islam.

Whatever their origins, agnatic virilocal marriages have long been a feature of the Arab world that has had a significant influence on socio-cultural identity, responsible for instilling an awareness of extended family kinship and history. This writer's personal observations of contemporary Saudi Arabian society confirm that Saudis have extensive orally transmitted knowledge of their family history. Many can trace their ancestry back through the centuries and recall how many generations ago their families abandoned a nomadic way of life. However, as Gellner observed:

In modern conditions, when the central state is endowed with new and unprecedented powers of coercion, and a new economy with quite novel means of seduction, [...] old forms [of social structure] genuinely begin to evaporate. (1981: 85)

When she conducted interviews in 1971 with about 100 urban women from the lower middle classes, Memissi (1985: 91) discovered that in Morocco the traditional socio-cultural practices associated with virilocal arranged marriages that had been the norm for women born before 1940 started dying out in their daughters' generation as a result of economic development and the educational and employment opportunities afforded by it. Her younger informants had the opportunity to engage in employment outside the house in a less sexually segregated society. Moreover, they had more opportunity to choose their own marriage partners than their mothers had done, although intergenerational conflict had become more common as a result. She also observed that employment opportunities had also been significant in increasing levels of mobility among nuclear families, thus removing the old dependence on the husband's family for housing.

In contrast Mernissi's older generation informants were able to recall the traditional socio-cultural practices – the pivotal role of the *hma* (daughter's mother-in-law) in initiating the marriage of her son and making decisions about his new family, despite the fact that Islam assigns the role of matchmaker to the male *wali* (guardian), usually the bride's father or other male relative.⁵³ The reason for the powerful position of the *hma* had been that only female members had access to intimate information about the beauty and virginity of a prospective bride (Ibid: 122-3). In Saudi Arabia, where sexual segregation continues to be strictly enforced, older female relatives continue to be active in matchmaking to this day.

Once married, the young Moroccan bride was protected by her *hma* from unwanted advances of their husbands or other male members of his family and a collaborative relationship between *hma* and daughter-in-law developed, with the former advising the latter on matters of sex, pregnancy and child-rearing. However, her power did not earn her much respect. The lyrics of Moroccan folk poetry confirm that the involvement of older women in the marital affairs of the younger generation was regarded as a threat (Ibid: 124), but they would counter any challenge to their position by branding it as a betrayal of *asala* (Islamic roots). (Ibid: 135-136)

Outside the home, the public space was a male domain in traditional Moroccan society (Ibid: 138), just as it continues to be to this day in many Arab Muslim countries including Saudi Arabia. Women who venture out in public unaccompanied can only justify their presence on the grounds of need or poverty, admission of which involves loss of respect. Those who appear alone in public for reasons such as travel to places of

⁵³ Abu Dawud 2078 and 2080. If a prospective bride has no male relatives, the local Imam may be her *wali*.

education or employment, continue to be regarded as 'provocative and offensive' (Ibid: 143) by conservative elements. In addition, if women enter the labour market and compete for jobs that have previously been reserved for men, this has the potential to lead to more conflict (Ibid: 146-7).

Rosander (1991) has provided further insight into Arab Muslim traditional practices and beliefs. In a study conducted during the 1970s and 1980s, she observed the lives of a group of women in the Spanish enclave of Ceuta in North Africa, gaining their trust by visiting them on a number of occasions in order to gain insights into their social identity. While some of their practices and beliefs appear to be the product of their immediate environment, others are more widespread. The inclusion in this study of descriptions of these patriarchal and even misogynist practices that have been taken from Rosander's empirical analysis does not necessarily imply any support for them. They have been included as an example of how the line between religious and cultural norms has tended to become blurred in parts of the Arab world.

Rosander reported how the women were taught to be modest, chaste and deferential in accordance with Islamic principles. These behavioural traits were reinforced both by their men-folk, who valued these qualities in women as pre-requisites for their own honour, and by their female peers, who bestowed high status on women who were perceived to possess them. Thus they would endure as they progressed through the different phases of their lives. (1991: 63-4)

In her presentation of the perceptions of the women's characteristics of the women, Rosander argued that the men of Ceuta thought of her women in negative terms,

and that even her women regarded *other* women though not necessarily themselves negatively. Her observations are summarised in the table overleaf.

FEMALE CHARACTERISTICS	MALE CHARACTERISTICS
<i>hashuma</i> (modesty, chastity, deference)	' <i>erd</i> (honour)
lack of ' <i>aql</i> (tendency towards unreasonableness)	superior reasoning ability
<i>fitna</i> (seductive beauty: a threat to social order)	self-control
mendacity	honesty
weakness	strength
tendency to indulge in malicious gossip	tendency to gossip, but not maliciously
inclination to effect evil through sorcery	fear of evil and sorcery

Table 3.1 Perceptions of female and male characteristics among the population of Ceuta, North Africa⁵⁴

Rosander argues that with the exception of *hashuma*, all the female characteristics cited are negative and unIslamic, but they have a perverse logical consistency to them. For if women without *hashuma* are perceived as the personification of evil this explains why men, despite their innate strength and self-control, can unwittingly fall prey to them once they have become possessed by the evil spirits unleashed by the women. Hence the paradox of 'weak' females being able to overpower 'strong' males is resolved by casting women as the agents of evil. (Ibid)

⁵⁴ Based on data compiled by Rosander, 1991: 55-56.

Like this writer, Arab Muslim women in Great Britain might be familiar with some of the socio-cultural practices and beliefs described by Memissi and Rosander from conversations with their older relatives or from first-hand experience. However, it should be emphasised that the claim that these practices have an Islamic basis is largely ill-founded, and many Arab Muslims of both genders would prefer to dispense with them, especially if they undervalue the potential of female members of society. Thus migration to Great Britain may be regarded by some as an opportunity to escape from a restrictive and oppressive environment and to unburden themselves of cultural baggage, especially if they are not accompanied by conservative family members. However, it should not be assumed that the desire to reject customs that are neither Islamic nor compatible with the 21st Century implies a readiness to accept Western models of female identity, either in theory or in practice.

3.3 The Attraction of Traditional Identity and Values

Theoretical attempts to devise a global construct for the study of female identity inclusive of non-Western ethnicities and cultures have so far met with limited success. Gedalof has attempted to develop a more inclusive definition of 'women' by embracing the work of some Indian feminists, but as she admits, she devotes more space to the work of Western than non-Western writers, thereby reinforcing the status quo of international feminist scholarship (1999: 22). She argues that before an ontological and epistemological model for the investigation of female identity transcending ethnic and religious differences can be established, binary notions such as sex/gender, nature/culture, biology/society,

subject/object, positive/negative and inclusion/exclusion need to be re-examined (Ibid. 205-6). Yet the rationale for attempting to construct such a model is based on the questionable assumption that all women belong to the same homogeneous group or aspire to do so, irrespective of class or culture (Mohanty 1991: 56). Therefore, the feasibility of applying such a model to empirical fieldwork is open to question.

Griffiths has argued that it is difficult to apply identity theory to specific contexts and believes that descriptions of experience can be meaningful and valuable even if they are not substantiated by any theoretical construct (1995: 34-42). A similar view is expressed by Kahani-Hopkins and Hopkins (2002), who stress the importance of studying the inter-relationship between theory and practice in identity construction and argue that without such a strategic relationship being taken into account, theoretical constructs become so bland that they are almost meaningless:

Simply put, each and every construction needs to be recognized as contingent and even those constructions which appear to have a widespread acceptance need to be analysed in relation to their strategic implications (Kahani-Hopkins and Hopkins, 2002: 305).

Such a cautionary approach to the development of theory might lead one to conclude that 'if everything in the world is fragmented and multiform [and] nothing really resembles anything else ... what is there to do other than express the anguish engendered by this situation in impenetrable prose?' (Gellner: 1992: 45) It is indeed unrealistic and overambitious to try and develop a theory of female identity for all the women in the world. By limiting the boundaries of one's theoretical constructs to a single

cultural or religious group, rather than by 'looking simultaneously at a multiplicity of identity categories' (Gedalof 1999: 206), one can increase the extent to which they are applicable to specific circumstances and intelligible to one's readership.

Arab Muslim women in Great Britain, like women of other minority groups whose physical features or attire mark them out as embodiments of the identity of 'the Other', may frequently be asked to name or define their identity or even to explain where they stand in relation to the norm (Brah 1996: 3). Given the historical context of orientalist (see pp 31-40) colonialism, and current perceptions of geopolitical polarisation along religious and cultural lines, they may be unwilling or unable to forget their own ethnicity and its effect on their identity and social status, unstable and contestable as it may be. Moreover, Muslim women who define their religious identity by veiling (see pp 114-122 and pp 248-251) in public in accordance with their interpretation of the founding discourses may find that their dress code is taken as a political statement, and may be challenged to defend it on political as well as religious grounds by those who see it as indicative of their submission to patriarchal authority, not realizing that:

Effects of 'fundamentalism' on women are mixed and differ according to the specific context. Women manage to carve out spaces where they do have some degree of autonomy, and 'fundamentalism' does not result uniformly in less power for women. (Bracke 2003: 341)

To understand the power structure within a traditional Arab family it is necessary to look not only at the way the women dress but also to observe their roles within the family unit and the negotiations that take place beneath the 'rules' (Bauer in Brink and

Mencher, 1997: 208). After all, 'they cannot all be victims, especially when the choice [to veil up] is apparently made freely in a democratic environment' (Franks 2001: 19). Adherence to the traditional Arab cultural base pattern (pp 16-17 and pp 81-82) can be attractive to women not only because it offers them security but also because it gives them an authoritative role within their family. By contrast, the Western cultural base pattern with its notion of gender equality leaves them uncertain as to what their role should be. It holds little attraction for them because it is perceived to have few practical benefits, whereas the preservation of one's traditional identity can:

Supply something of an anchor amidst the turbulent waters of ...
'globalization' ... Possessing an appropriate configured identity is
supposed to provide a means for holding some of the more disturbing
aspects [of globalization] at bay (Gilroy in Woodward 1997: 312).

In this chapter Islamic injunctions and vernacular traditions that have combined to define the socio-cultural roles, values and identity of Arab Muslim women have been presented and discussed. The following chapter presents a review of existing literature on the choices Arab Muslim women residing in Great Britain have made, and discusses the extent to which they have modified their identity in order to integrate, thus setting the scene for the empirical fieldwork discussed in Chapters 7 and 8.

Chapter 4

Muslim Women's Identity in Great Britain

We are [...] becoming increasingly aware of the negative consequences of conceiving [...] identity as fixed, closed and unchanging (Gilroy in Woodward 1997: 303)

[I]t is difficult to ignore the increasing intensity of the spotlight aimed at Muslims in Britain. (1990 Trust Survey: Muslim Views: Foreign Policy and its Effects, October 2006)

4.1 Opportunities to Adapt

In the previous chapter elements of Muslim women's identity stemming from their religious and socio-cultural heritage were presented and discussed. This chapter looks briefly at the opportunities for identity modification that Arab Muslim women in Great Britain may choose to take in the context of recent national and international events. Then the chapter proceeds to investigate ways in which Arab Muslim women may indeed choose to adapt their religious and socio-cultural identity as they discover that traits that were significant in the Arab world as markers of conformity are perceived as markers of difference by the host community in Great Britain. Those who make a conscious decision to modify how they dress and behave in public may well have a desire to become less noticeable, whereas those who do not may feel the need to continue to identify with a familiar social entity, but their decision may result in their being misunderstood by host community members and place them in 'a site of danger, of negative feelings, of splitting, hostility and aggression' (Hall, 1997: 238).

Elias and Scotson (1994: 4) observed that there is a tendency for members of the same group to judge one another's identity with reference to the group's normative ideals, and indeed many Muslims judge one another's moral and ethical standards according to the extent to which they live their lives in accordance with literal interpretations of the founding discourses. However, while it is relatively straightforward for Muslims to detect deviance from Islamic principles and make judgments accordingly in an Arab Muslim country, to do so in a multicultural and relatively liberal environment like that of Great Britain is not so easy. A Muslim who does not observe *'ibadat* (religious rituals) or ignores Islamic injunctions governing *mu'alamat* (human relationships) may avoid censure in Great Britain because her behaviour is not scrutinised as closely as it would be in the Arab world.

Furthermore, Muslim academics who question literal or normative interpretations of the founding discourses might be denounced as hypocrites or non-believers by conservatives in the Arab world, but in an atmosphere of greater tolerance of heterodox religious thought such as that which prevails in Great Britain, they might be applauded for embarking on what is perceived to be a quest for the truth by their secular colleagues. Indeed, the atmosphere in British academia is conducive to the development through scholarly debate by those in Islamic Studies of new constructs aiming to define Muslim women's identity and its relationship with the West. These give rise to counter-arguments with contending visions of identity developing through the dynamic of dispute. Naturally, not all Muslim women are prepared to embark on the introspective searching required by this dynamic, even if they are aware that they have the opportunity to do so. Aspects of one's identity stemming from one's religious or ideological convictions may be so deeply

rooted that modifying them may seem tantamount to self-denial and a betrayal of one's heritage, especially if religious practice is always at the forefront of one's mind. Thus for many devout Muslims educated in the Islamic world, questioning the truth of the founding discourses may be unthinkable, just as secular Westerners committed to ideals such as egalitarianism or meritocracy may also consider their convictions to be non-negotiable. However, there are Muslim women who welcome the opportunity to redefine their identity by dispensing with those elements that are not genuinely Islamic. Such women, who are likely to be educated and middle class, are also concerned about 'the prospects for a future accommodation with Islam in Europe,' (Klausen, 2005: 216) and are in a better position to 'obtain influence and to be recognised as representative voices' (Ibid) than those who resist opportunities for identity modification.

4.2 Ethnic or Religious Identity?

When Muslims, Hindus and Sikhs started to arrive in Great Britain from South Asia in large numbers in the 1960s, governments responded by implementing a policy of multiculturalism with a view to facilitating integration through socio-cultural educational programmes of mutual awareness that would minimise social tensions between communities with differing or conflicting norms and nurture the evolution of harmonious intercultural relations. This contrasted with the 1950s policy of expecting migrants, principally Christians of West Indian origin, to assimilate into the host community (Poulter, 1998: 12-16).

Until the end of the 1980s 'ethnic identifications [...] rather than religion were recognised in society as the key signifiers of individual and collective difference' (Ansari, 2003: 9) of minority groups in Great Britain. It was after the *fatwa* (Islamic legal decision) pronounced by Ayatollah Khomeini on Salman Rushdie in February 1989 that perceptions of hostile sentiment among members of the host community led more Muslims to invoke religion as a basis of identification and to use a religious discourse to address social problems (Ibid). Even for Muslims who had not previously been particularly devout, religious identity and the need to rediscover a new solidarity with their community became politically significant (Modood 1990: 144). Fifteen years later the importance of religious identity as a basis for political solidarity had not diminished:

A growing number of Muslims in Britain are identifying themselves by their faith over ethnicity. Undoubtedly, this has been one of the consequences of the increased politicisation of Islam post-September 11, leading to a greater political consciousness amongst Muslims. A Muslim faith identity therefore is often nothing to do with religious practice. (Shareefa Fulat, Director of the Muslim Youth Help Line interviewed in *The Guardian*: 21/01/05)

To return to the 1990s, host community members, whether or not they had had much personal contact with Muslims, were becoming familiar with the phrase 'Muslim identity' as a result of journalists and politicians mentioning it more frequently in an atmosphere of polarising political positions. Two surveys, one conducted by Halstead and the other by Golub, suggest that among the host community, negative perceptions of Muslims and Arabs were already evident in the early part of that decade. According to

Halstead (1992: 48), when informants were asked to state their spontaneous images of Islam, 14 per cent mentioned fanaticism and extremism and 13 per cent doctrinal inflexibility and restrictiveness. According to Golub (1993: 13), 30 per cent of respondents said they would prefer not to have Arabs as neighbours and 21 per cent believed Arabs' behaviour was likely to provoke hostility. Therefore although negative profiling of Arabs and Muslims in the British media has now taken forms that are distinct from those prevalent in the previous decade, with 'negative behaviour [being] seen to evolve out of something inherent in the religion, rendering any Muslim a potential terrorist' (Poole 2002: 4), it would be erroneous to date the origins of Islamophobic host community attitudes towards Muslims from the 11th September 2001. Nevertheless, widespread concern about the perceived reluctance of many Muslims in Great Britain to modify their identity continues to be reflected in the media (Poole and Richardson, 2006: 79-80), in which there is a tendency to represent British Muslims as members of a monolithic bloc (see p 35). This obscures the cultural and ethnic diversity of Muslims in Great Britain, whose:

[V]alues, symbols and aspirations, approaches to issues of identity, strength of adherence to ritual and loyalty to kin networks [...] are likely to be extremely varied, making ... [them] a very heterogeneous population. (Ansari 2003: 3)

This variety exists among British Muslims of South Asian origin (see pp 103-105, pp 173-175, and pp 256-257) and obviously becomes even wider when Muslims from the Arab world and elsewhere are included. The differences between South Asian and Arab Muslims are not only socio-cultural and linguistic. There are also differences in the class

structure of the two populations. Peter has noted that there is a tendency to restrict empirical research to 'upwardly mobile educated' (2006: 109) Muslims in Europe, referring to the bias that this causes, and arguing that one should be wary of theoretical constructs and conclusions if they have been based on data gathered from Muslim informants of higher educational and/or class backgrounds. However, in the context of this investigation there is perhaps less reason to be concerned about research participants belonging to an elite class, given the high socio-economic status of Arab Muslims in Great Britain (Nagel, 2002: 268) relative to British Muslims of South Asian origin, among whom there are high levels of educational disadvantage and unemployment, although admittedly the class structure of their population is complex (Philip Lewis: 1994: 23).

Arguably the factor most likely to cause bias and confusion, particularly in media research findings, is the fact that South Asian Muslims greatly outnumber Arab Muslims in Great Britain (see p 24). Given the relative sizes of their communities, it is understandable that more media attention is focused on South Asians, but surveys often fail to mention the ethnicity of their Muslim informants, and therefore the views of South Asian Muslims may be attributed to Arab and other Muslims. For example, the high level of support expressed by Muslim respondents in the ICM opinion poll⁵⁵ for the introduction of the Shariah in Great Britain (41 per cent of female respondents and 39 per cent per cent of males were in favour) probably reflects the views of British South Asians⁵⁶ rather than Arabs, but the ethnic origins of those polled were not indicated in the

⁵⁵ Conducted for the Sunday Telegraph in 2006.

⁵⁶ Compare the popularity of legal pluralism among British South Asians with these percentages (see pp 103-104).

findings. The 1990 Trust opinion poll carried out later in the same year was intended to present an image of British Muslims that was more sympathetic than previous polls like the ICM one had been, but its finding that 89 per cent of Muslims surveyed stated that they believed in the concept of *umma* may also have confirmed media-driven suspicions among host community members that Muslims, irrespective of their ethnicity, do not want to integrate. Again, however, the ethnicity of respondents was not indicated in the findings. In short, with the media spotlight being on the political dimension of the religious identity of south Asian Muslims in Great Britain, diverse though they may be, the views of Muslims of Arab and other ethnicity tend to go under-reported.

The identity of British Muslims is not only a popular topic of journalistic investigation. Politicians have also increasingly been voicing their concern about the subject in Great Britain and across Western Europe. Klausen (2005: 68-71) has drawn attention to a 21st Century shift in the European discourse on Muslim migration from earlier proactive measures aimed at nurturing Muslim integration while preserving multiculturalism, to assimilationist rhetoric advocating an increasingly coercive approach aimed at the achievement of cultural homogeneity. She cites the speech of EU Commissioner Frits Bolkestein made in Rotterdam in January 2003 in which he criticised those who gloss over the disadvantaged status of Muslim women in Holland on the grounds that multiculturalism must be tolerated. He opposed the idea of integration with retention of identity, and implied that Dutch Muslims need educating about their responsibilities towards women.⁵⁷ His views are representative of many European centrist politicians, some of whom have targeted the Islamic headscarf as an unacceptable symbol

⁵⁷ See http://www.opendemocracy.net/article/globalisation/global_politics/islam_europe Accessed 20/09/2006, for a recent evaluation of Bolkestein's views by Fred Halliday.

of the repression of women. Muslim women in Great Britain, especially those who choose to wear the veil (Ch 5, pp 104-110 and Ch 9 pp 244-248), are aware that their religious identity has become more politically sensitive. They may be regarded as conspicuous ambassadors of their faith, and therefore they may be more likely targets of anti-Muslim intolerance as they go about their daily business. Indeed, in the UK and elsewhere in the West, the debate over the extent to which Muslim women should cover themselves has become highly politicised. For example, in his column in the Lancashire Telegraph (06/10/06), Jack Straw, who was at the time the Leader of the House of Commons, expressed his opposition to the practice of wearing the *niqab* (face veil). On the other hand, Muslim women in Great Britain who are perceived as having identified too closely with the Western cultural base pattern (see pp 19-20) may, like this writer, be informed by family members that they have become very English, the implication being that such identification implies an attitude of disloyalty to their community. Thus it can be difficult to navigate a middle path and to adopt an identity that is acceptable both to the host community and to one's family or wider minority community.

4.3 Identity and Integration: Markers of Sameness and of Difference

Awareness that in a multicultural environment religious identity takes on a more malleable reality 'continually being produced within the vectors of a similarity and difference' (Barker, 1999: 28) leads to the incorporation of discourses of inclusion as well as exclusion:

[I]dentity can help us to comprehend the formation of that fateful pronoun 'we' and to reckon with the patterns of inclusion and exclusion that it cannot but help to create ... [C]alculating the relationship between identity and difference, sameness and otherness, is an intrinsically political operation. It emerges as an issue whenever political collectivities reflect on what binds them together. (Gilroy in Woodward 1997: 302)

Ghuman (1999: 27-28) argued that migrants need to ask themselves two questions about adaptation to a new socio-cultural environment. First, what is the value in maintaining a relationship with their ethnic and religious minority community? And second, what is the value in developing relationships with members of the host community? A positive response to both questions reflects a desire to adopt a culturally pluralist model of integration (La Framboise et al. 1993: 402); a positive response to the first question and a negative response to the second may result in deliberate avoidance of contact with the host community by means of a dissociative strategy (Hutnik, 1991:134); a negative response to the first question and a positive response to the second implies a wish to assimilate into the host society through the conscious removal of visible signs of an alien socio-cultural heritage; and finally a negative response to both questions is likely to result in marginalisation and alienation. In this investigation, during the analysis of interview response data, Ghuman's conceptual framework was found to be useful in defining and distinguishing the patterns of integration that participants had chosen, particularly when it came to the process of dividing them into clusters (see pp 153-155, pp 190-191 and pp 220-221).

In order to integrate into the host community, migrants initially need to undergo a process of acculturation, which Berry has defined as 'a social change that results from continuous, first-hand contact between distinct cultural groups'. (1994: 132) However, according to Weinreich (1996: 235), the term suggests the modification of a 'primitive' migrant culture through contact with an 'advanced' Western one. By contrast, the term 'enculturation' incorporates cultural elements of both migrant (minority) and host (majority) cultures, allowing for the emergence of new, hybrid cultural idioms and reflecting the reality that socio-cultural adaptations are indeed two-way processes in which not only migrant communities but also members of the host community need to make adjustments to their attitudes and values. Failure to make such adjustments may result in their perceptions of successful migrant integration, whether in accordance with a multiculturalist or an assimilationist model, being restricted to an objective assessment of the effectiveness of migrants' performance at their workplace or educational institute, irrespective their subjective assessment of the extent to which they have been socially accepted by the members of the host community with whom they interact (Anwar, 1985: 9).

Assimilation, which, as mentioned above (p 73) has regained its attraction for centrist politicians in many parts of Europe since the 1990s, may also be an appealing concept to migrants themselves, in the sense that if they make the decision to become fully involved in the power structures of their adopted country of residence, they are able to play a more productive and fulfilling role in society. It is in this sense that Nagel (2002) has used the term in the title of her article on London's Arab communities: 'the politics of assimilation in London's Arab community', defining it thus:

[Assimilation] signifies observable, material processes of accommodation of and conformity to dominant norms. It is, in this respect profoundly political rather than ecological or 'natural'. (2002: 259 - 60)

She argued that in Great Britain there has not been enough emphasis on 'the ways in which immigrant and nonimmigrant groups negotiate and reconfigure social distances through assertions of *sameness*' (Ibid 259). Instead, the focus has been largely on 'exclusion, racialization, and difference' (Ibid 262). Presumably referring to the 1950s (see above p 70), she attributed this focus to the close semantic association of the term 'assimilation' with 'outdated governmental policies towards immigrants' (Ibid 263) that has discouraged investigation into 'indicators of assimilation [...] acts of conformity, blending in, or the acceptance of dominant norms among immigrants and minorities' (Ibid.). A more important reason for the focus on difference rather than sameness is surely that research has been directed towards migrant communities who are perceived to have integration problems, as opposed to those who have found solutions to the challenges implicit in preserving a minority identity.

It is inevitable that migrants will make some social identity choices of their own that are superordinate to 'various subpatterns linked to factors such as nationality, personal disposition and age' (Roald, 2001: 89) In the area of gender relations, Roald argued that Arab Muslim women in the West may modify their identity by adopting or discarding elements of both the Arab patriarchal gender structure and the Western gender structure, with its goal of sexual equality. In order to help readers visualise this process of identity modification she referred to Hjärpe's basket metaphor (1997: 267), in which the basket is conceived as something that both leaks and absorbs ideas and beliefs. Roald

(2001:88) argued that Arab Muslim women in the West may reinterpret the founding discourses to resolve the tension between the two base patterns. Similarly, they may retain or reject Arab cultural traits and customs, according to their perceptions of what is useful or appropriate in the West. They may also take from the basket any Western values that are acceptable and potentially beneficial to them, although devout Muslims are mindful that these should not conflict with the tenets of Islam. By making such selections they are actively defining their identity in a way that reflects changes in their religious and cultural perspectives. Seen in this light, the base pattern polarity model may be applied to achieve compromises and to expedite integration, but it may also result in the creation of divisions between Muslims and the mainstream population or the exclusion of Muslims from mainstream social activities.

Arab Muslim women who adopt Western values may do so on an individual basis without consulting their families or members of their wider ethnic community. However, commenting on the development of a concept of the 'individualisation' or democratisation of Islam, based on observation of the behaviour of Muslims in Europe, Peter cautions that such a concept has inherent problems, 'not the least of which is its presumed relation to a rather specific form of institutionalised religion' (2006: 112). In fact, the concept is alien to the basic tenets of Islam, which stress the desirability of communal performance of practices such as *sawm* (fasting) and *hajj* (pilgrimage). Moreover, the Western notion that democratisation is tantamount to best practice in many spheres leads one to suspect that scholars have introduced it into their study of Islam to help them to envisage the dynamic nature of the religion in their own orientalist terms. For example, Cesari in Esposito and Burgat (2003: 258) conceptualised a theory of Islam

in the West as a secularised, privatised and individualised religion that its adherents can practise without causing any friction in French society. While Cesari may be motivated by a wish to articulate a theoretical basis for greater social tolerance of Islam, imposing one's own values on a faith to which one does not belong will never fulfil such a wish. It may be argued that Peter was right in observing that the concept of the individualisation of Islam raises 'tricky questions' and 'serious obstacles' (2006: 112) no matter how it is interpreted.⁵⁸

To return to Roald's study, the data was collected principally in Great Britain, France and the Scandinavian countries (2001: 58). She sought informants who were Arabic-speaking Sunni Islamists of both genders who had preferably lived in Europe residency for five years (Ibid. 63). Male informants had to be educated to tertiary, and female to secondary level (Ibid. 60). Not only should they 'have a certain amount of Islamic knowledge' (Ibid. 61), but also they had to be active in *da'wa* (calling people to embrace Islam). Moreover, female respondents were only selected if they habitually wore some form of head-covering (Ibid. 62). Of the 82 respondents who completed her questionnaires on Islam, women and gender relations, 15 agreed to be interviewed (Ibid. 64) and provided thoughtful and informed contributions from what she terms an Islamist (Ibid. xii) perspective. She rejected Muslims who do not practise their Islamic obligations as not being of interest to her study.

In the course of her interviews she covered many of the issues investigated in this study – Muslim perceptions of women, gender relations, polygyny, divorce, child custody

⁵⁸See p 62 for Rosen's distinction between the Islamic concept of the person and the Western concept of the individual.

and Islamic dress codes. In each area of investigation, she made an analysis of relevant verses of the Koran and Hadith in keeping with the religious focus of her study, in order to provide authoritative references against which to compare her respondents' remarks and opinions. She argued that the experience of living in Europe has performed two functions for the identity of Muslims: it has permitted them to conserve aspects of their culture, allowing them to maintain differences between their community and that of their hosts, and it has provided an educational and social framework within which to develop *ijtihad* in a secular context. Their resulting reinterpretation of the founding discourses may have been conscious or unconscious.

Conscious rejection of traditional interpretations of Islam perceived to be against the interests of women has been expressed by Muslim women in the British media, whose hermeneutic views possibly reflect the impact of a Western education on the way they think. Heba Al-Naseri, a medical student from London, was one of four women who expressed similar views in a series of interviews with British Muslims published by the *Guardian*:

If the Koran is interpreted correctly it does not keep women down.

Unfortunately, there are Muslims who discriminate against women, but this is to do with their culture, rather than their religion. (Interviewed for the *Guardian* by Tom Lutz, 03/12/04)

Faria of London sent her opinion on the same issue to the online publication *Muslim News*.⁵⁹

⁵⁹ http://www.muslimnews.co.uk/yoursay/index.php?ysc_id=3 Accessed 30/01/2007.

As a British Muslim I would love to be allowed to integrate into British society. The fact is our traditions prevent this. I am not allowed to integrate. My family expects me to stay home and hide behind my *niqab* if I am allowed out of the house. I will marry a man from our community not a man of my choice. If we want to integrate we have to become modern thinking and stop hiding ourselves away. This is not Islam: it is tradition.

According to Roald, the following factors are important in fashioning reinterpretations of the founding discourses like these (2001: 79). Firstly, the length of time that an informant has spent in a Western environment is significant, although it is not necessarily an indicator of the degree of integration that has occurred. Secondly, the decision to join an Islamic organisation is likely to reduce the extent to which a Muslim will identify with the West. Roald (Ibid: 45-57) focused on four radical organizations,⁶⁰ and by doing so, she was able to gauge the opinions of Arab Muslim informants on a number of controversial religious issues. The third factor is the extent to which informants have social, economic and professional contact with the host society (Ibid. 92). Roald argued that such contact is likely to make Muslims more inclined to adapt to the Western cultural base pattern. For female informants, whether their domestic function is regarded as their primary as opposed to their sole responsibility is central in this regard. Those who have received a Western education are more likely to adopt a questioning attitude towards their domestic function, both as a result of the teaching methodology to which they have been exposed, and as a result of daily contact with members of the host

⁶⁰ *al-ikhwan al-muslimun* (the Muslim Brotherhood), *hizb at-tahrir al-islami* (the Islamic Liberation Party), *as-salafi* (radical emulators of the first three generations of Muslims) and the Kuwaiti-backed International Islamic Federation of Student Organisations.

community at school, employment and other areas of social interaction. Fourthly, informants have familial and personal experiences that affect their perceptions of the host society and their subsequent decisions on the extent to which they wish to adapt to, or reject the Western cultural base pattern. These include the attitudes of the informant's family towards the host community, the extent to which the informant has rebelled against her own culture or has been exposed to racial or religious intolerance. Each of these factors may combine with the others in determining the identity choices that informants make. It may also combine with a whole range of personal variables such as early-life experiences, age, marital status, domestic circumstances and class that are all likely to have a significant effect on an informant's base pattern choices and therefore her identity.

Roald's binary cultural base pattern theory, then, has provided a perspective that contributes to an understanding of how, why and to what extent Arab Muslims modify their identity as they attempt to come to terms with life in the West. The adoption of elements of the Western base pattern is unacceptable to those who believe in the absolute truth of the founding discourses. However, Roald has argued convincingly that selective and questionable interpretation of the Koran is nothing new, and that it is evident in the work of a wide spectrum of Muslim scholars. For example, on the issue of veiling (see pp 114-122 and pp 248-251), she cited (2001: 260-261) feminist Muslim writers such as Memissi (1987) and Leila Ahmed (1992) who have quoted verses of the Koran that support their position, and ignore verses that detract from it. On the other hand she criticised conservative scholars such as Hilali and Khan (1993) for tendentiously complementing their English translation of the Koran 24:31 with their own views on

which parts of their bodies Muslim women should cover. The word *juyubihinna* (their bosoms) is taken to refer not only to bosoms, but also to their bodies, necks and faces (Roald, 2001: 273).

The findings of Roald's study might give the impression that all Arab Muslims in the West are highly knowledgeable about their faith and devout in their practice. There is indeed a tendency to judge non-homogeneous groups by the practices of their more extreme members (Elias and Scotson, 1994: 9). To provide an insight into the more secularly-minded members of the Arab Muslim community in London, it is worth reviewing Nagel's study (2002). Given that her focus is on the politics of assimilation and its effect on identity construction one would not necessarily expect religion to be a major theme, but nonetheless it is surprising to discover how little participants in her study have to say about religion in relation to their identity.

Of Nagel's 54 participants, contacted through a chain of informants, 38 were Muslim and 30 were female. They all had a similar educational background to Roald's respondents. Most of them (48) were British citizens, although only five had been born in the UK (2002:270). Nagel divided them into three groups, according to their attitudes towards assimilation. The largest group (30) whom she labelled 'Middle Class Negotiators' identified themselves as Arab with a world-view characterised by close family ties and hospitality (Ibid. 271), traits that they perceived as lacking in the mainstream British population, from whose society they had 'experienced subtle exclusion' (Ibid. 272). Mostly, they mixed with other Arabs, but 'they want to blend in to British middle class society, and not to be perceived as different in their clothes or manners. Some even wanted to take on civic responsibilities in non-ethnically based

matters' (Ibid. 273-4), perceiving this as a successful integration strategy (see above pp 76-77). Their perceptions have been supported by Werbner⁶¹, who argued that by taking on causes other than their own, migrants can gain respect and recognition both from their own community and from the host community, and that this enables them to integrate more fully. She cited the example of Al Masoom, a Manchester-based movement founded in 1990 by devout Muslim women of Pakistani origin, who protested against atrocities committed in the Bosnian conflict:

The women's transnational activities for causes beyond the British state ... achieved their civic integration into the ethnic community as equal and legitimate actors in their own right; at the same time, it also facilitated their integration into a broader network of British non-ethnic human rights ... organizations. ... Paradoxically, then, activism for a diasporic cause beyond the boundaries of the nation, motivated by deep loyalties to an 'Other', elsewhere, enhanced the women's practical civic consciousness as citizens of the nation. (Werbner, 2000: 321)

Members of Nagel's second group, whom she calls 'Arab Multiculturalists', were more open about their ethnicity, emphasising how their identity is different, both from that of the mainstream population and from that of other minorities such as 'Muslim Asians'. Eight of the women in this group wore the hijab to signify their religious identity, not for political reasons. Like the other members of this group and indeed like the Middle-Class Negotiators, these women rejected the notion of hostility towards

⁶¹Werbner's evaluation of the achievements of Al Masoom has been noted by Peter (2006: 111) for the way in which she managed to break down some of the conceptual restrictions that characterise the discourse on the integration of Muslims in European nations.

mainstream society. They had an 'awareness of the negative meanings that have been attached to categories of "black" and "Muslim" by dominant groups' (Ibid. 276). They appeared to perceive the benefits of identifying with the mainstream population but believed that they can do so without disguising their ethnicity or religion. Nagel concluded:

Their willingness to accept the negative meanings attached to minority identities reveals that their complex negotiation of sameness and difference can both undermine and reinforce different social categories and meanings. (Ibid. 276)

The third group, 'Young Cosmopolitans', wanted to distance themselves from their Arab networks, but still spoke Arabic in public, forming a part of 'a class-tinged multicultural society centred in the universities, professional sectors, and trendy night spots of cosmopolitan London' (Ibid. 279). Similar to members of this cluster is Faaria⁶² from London, who wrote in a column on identity in the online *Muslim News* that she sees British culture as the product of 'a number of world cultures', and loves its diversity:

I describe myself as a British Muslim. I choose to live my life in accordance with Islamic teachings and values. Islam does not belong to a people, it belongs to all of mankind, and Britain no longer has a narrowly defined culture. British culture has become a culmination of a number of

⁶² Not the same person quoted on p 81 above.

world cultures. I cannot define what it means to 'be British' but I see Britain as my home and I love it here. I do not 'belong' anywhere else.⁶³

Although there are discernable differences between Nagel's three 'clusters' (Ibid. 269) they are not nearly as significant as the similarities they all share. Admittedly members of each cluster set about the construction of difference or sameness of identity in various ways, but they all felt that it is neither possible nor desirable to become fully assimilated. Moreover, they all wished to avoid being regarded negatively by mainstream society and shared an awareness of the difficulties that negative stereotyping has caused other minority groups, particularly those of lower socio-economic status. In this context the religious identity of the 38 Muslims in her sample deserves attention. Unlike Roald's informants, none of them professed to be active in *da'wa*, and none of them mentioned the political dimension of Islam that is given so much coverage in the British media (see pp 35-36). It may be observed firstly that Nagel's three 'clusters' all have more in common with each other than they do with Roald's Islamists, and secondly, that her assertion that the patterns of identity that her respondents reflected could be said to be '*suggestive* of larger patterns that may be present in the Arab population' (Ibid. 269) remains a hypothesis. Finally, it should be noted that there has been surprisingly little professional response to either Roald's or Nagel's studies.⁶⁴

The above references to existing literature on the subject of Muslims in Great Britain and in particular to the investigations of Roald and Nagel have been presented as a prelude to this empirical study, in which all the women who participated talked about

⁶³ http://www.muslimnews.co.uk/yoursay/index.php?ysc_id=3 Accessed 30/01/2007.

⁶⁴ See p 20 for Naber's response to Roald.

their religious attitudes at length. It may be objected that, given the plethora of studies reflecting the views of Muslims and their perceptions of identity already in existence, yet another investigation into the field is likely to be unoriginal and perhaps superfluous. In response to this objection, it should be remembered firstly that given the demographic nature of the Muslim population of Great Britain, much of the existing literature predominantly reflects the views and perceptions of the nation's South Asian Muslim community, and secondly that, while the studies of both Roald and Nagel were concerned specifically with Arabs, the former focused only on devout Muslims active in *da'wa* and the latter had very little to say about her informants' attitude towards their faith. Moreover the legal perspective of this investigation further distinguishes it from existing research literature and media publications, as will become evident in the following chapter.

Chapter 5

Muslim Marriage, Divorce and Veiling in England

5.1 Introduction

[Law] is fundamentally pluralist in character ... Anyone who does not [accept this] is simply out of date and can safely be ignored.
Griffiths 1995: 201

The personal status of Muslim women in England is governed by two legal codes⁶⁵, that of the Shariah and that of English Family Law. By examining how the English legal system can be adapted to accommodate Islamic personal status law one can better understand both the nature and the causes of friction in this area. Arab Muslim women resident in Great Britain may feel unsure of their legal status in regard to issues on which national and Shariah laws relating to marriage and divorce are at variance with each other. It is argued below that compromises can be reached within the existing legal framework despite there being major differences between Shariah personal status law and English Family Law. In order to adapt the latter to accommodate the former a greater degree of pluralism will be required in the legal system, but this does not mean that a system of parallel courts needs to be established.

In section 5.2 the opinions of Islamic scholars on the legal obligations of Muslims living in non-Muslim jurisdictions are presented and discussed. Section 5.3 investigates

⁶⁵ Investigation of the family law codes of the various countries of origin of Arab Muslims in the UK lies beyond the scope of this study. For more information, see Dupret, Berger and al-Zwaini (1999): *Legal Pluralism in the Arab World*.

recent and proposed marriage and divorce law reforms affecting Muslims in England, with reference to the popularity of the notion of establishing a system of parallel courts among British Muslims of South Asian origin, Archbishop Williams 2008 'Shariah speech' and informed responses to it. In section 5.4 legal aspects of the Muslim practice of veiling are addressed and rulings about Muslim women's dress-codes in public spaces that have led to legal appeals are discussed. While there are no provisions under English law prohibiting people from wearing clothing or jewellery that indicate an affiliation to a particular religious faith there are local regulations that impose restrictions on how one may present oneself, and there have been instances of Muslim women being required to modify the way they dress in public spaces, and appeals against the imposition of such modifications have gone before the courts (McGoldrick, 2006: 177-178).

5.2 Muslims and the Law

The importance of legal contracts to Muslims was emphasised in Chapter 3 with reference to their personal status (see p 62 and p 66). Contracts are also important in that they provide conceptual guidelines governing terms of residence for Muslims in countries outside the Islamic world. In addition to the requirement of obedience to the Shariah wherever circumstances permit, Muslims who live in non-Muslim jurisdictions are required by Islam to obey the law of their adopted country of domicile, provided that the government of that country provides them with security (El Fadl: 1994: 141). Medieval jurists of all the *madhahib* (see pp 65-67) assumed that if a Muslim had taken up residence in a non-Muslim land an agreement of safe conduct (*amana*) had been entered

into, and such an agreement implied that the Muslim would obey the laws of the host state (Ibid: 175). Thus, in the context of the 21st Century:

Muslims in Europe are under a covenant to respect the laws and institutions of the countries in which they live. The legal rulings of such regimes, for example in matters of divorce, are to be respected out of public interest and to avoid chaos and disorder. (Hellyer, 2007: 97)

The concept of *fiqh al-aqalliyyat* (jurisprudence specific to Muslim minorities in non-Muslim countries) is a derivative of that of *fiqh al-nawazil* (jurisprudence relating to unprecedented events). Hellyer argues that the concept is applicable to laws that 'may be adapted to different contexts, such as the contemporary European situation.' (2007: 93-4) Those in favour of implementing such adaptations argue that the issues of day-to-day life in non-Muslim jurisdictions are quite different from those under Islamic sovereignty. However, any proposed adaptation of the Shariah would lead to disputes among Muslims living in the West, who might be inclined to recall the national laws of their respective countries of origin and wish to implement them in their adopted country of residence. Moreover, if proposed adaptations involved the imposition of Western values on the Shariah, this would 'undermine its integrity' (Sardar 2003: 66). The intrinsic holistic character of the Shariah means that one or two of its injunctions cannot be imposed on a society at the expense of others, or at the expense of the basic ethical principles which it aims to promote (Ibid. 71), and Western-inspired adaptations of the Shariah would be construed by conservatives as a travesty of the concept of *ijtihad*.

Ramadan (2004: 53) presents another reason for rejecting the concept of *fiqh al-aqalliyyat*. He argues that it is based on the view of Muslims in the West as the perpetual 'Other', and that Muslims will remain marginalised if they insist upon minority status. In his view, the secular nature of Western society makes it a tolerant environment for Muslims and one in which Muslims may contribute positively as citizens, both on a cultural and a spiritual level. Rejecting notions such as *dar al-harb* (abode of war) or *dar al-'ahd* (abode of treaty) on the grounds that they do not accord with current geopolitical realities, he favours the term *dar al-shahada* (abode of witnessing) (Ibid. 68-9). It may be noted that the term *dar al-harb* is not to be found in the Koran. It does occur three times in two Hadith, of which the authenticity is *mursal* - going back only as far as the generation of *at-tabi'un* (the successors of the companions of Mohammed (p.b.u.H.)). The term had gained currency by the 9th Century CE, and there was broad agreement that it referred to territories where neither the government nor the legal system was Islamic, and that it did not necessarily mean that such territories were at war with *dar al-islam* (Ramadan 2004: 65). The precise meaning of the term in its historical context is less important than the fact that there is no firm evidence that it emanates from the time of the Prophet (p.b.u.H.), and therefore contemporary Muslims are under no obligation to apply it to any nation or territory. Indeed, it has long been untenable to adhere to a theory that divides the world into two spheres – the Islamic and the non-Islamic - on the basis of 'an old, simple, binary vision of reality' (Ibid. 66).

There is a parallel between the above binary notion of global geography and the notion that humanity consists of two groups: Muslims and non-Muslims. The latter

notion ignores the fact that in classical times, Islamic scholars had developed a global concept of humanity. As Şentürk has argued:

Most of the modern Islamic discourse on human rights revolves around religiously defined social categories such as *muslim* and *kafir* (non-Muslim), rather than a universally inclusive concept of humanity (*adamiyyah*). Unearthing and reintroducing the classical Islamic concept of universal human can transcend this communalistic approach (2005: 29).

Although Şentürk's argument would be rejected by many conservatives on the grounds that the legal precedents on which it is based do not date back to the time of the Prophet (p.b.u.H.), his desire to find a way of revoking a concept of human rights that is divisive and replacing it by one that it is both based on Islamic legal precedent and at the same time acceptable to non-Muslims represents a positive attempt to advance inter-faith dialogue that is worthy of attention. Advocacy of strategies that will facilitate Muslim engagement with Western societies does not in any way conflict with the concept of *al-wala* (loyalty to the faith). There is no injunction that prevents Muslims from interacting with non-Muslims in order to make a positive contribution to the societies in which they live, whether their purpose is the promotion of *da'wa* or the negotiation of business transactions, provided that they remain loyal to the tenets of Islam (European Council for Fatwa and Research: 2002). Through interaction with their host communities, Muslims in the West can be progressive in their 'reinterpretations, both on an unconscious and on a deliberate level, of the Islamic sources' (Roald, 2001: 17). The question of how Islamic personal status law may be integrated into Western legal systems is discussed in the next section, which focuses specifically on English marriage and divorce law.

5.3 Marriage and Divorce Law

The absence of any special dispensation for Muslim marriages is potentially problematic in terms of their validity under English Family Law (Poulter, 1998, 206). While marriages arranged by family members are regarded as valid, unless it can be proved that compulsion was used to secure the consent of either party to the marriage, Muslim marriage contracts signed by representatives of prospective partners in their absence, by persons below sixteen years of age, by closely related persons will not be recognised. Furthermore, English Family Law will not sanction the Islamic prohibition of marriage between a Muslim woman and a non-Muslim man on the grounds that it discriminates against the non-Muslim; nor will it fully recognise polygynous marriage (Ibid).

With regard to divorce, in Islam the most common form is *talaq* – repudiation of the wife by her husband without recourse to a court of law (Koran 65: 1-7). The form initiated by the wife, on condition that she will forego her right to the *mahr*, and subsequently agreed to by her husband, is known as *khul'* (Koran 2:229).⁶⁶ By contrast in English Family Law a divorce can only be obtained by court order on the grounds that the marriage has irretrievably broken down. The courts have the power, under various Acts of Parliament⁶⁷, to order one of the parties to the divorce to provide for the other financially. In so doing they take into account religious and cultural factors. For example, many Muslims do not expect women of child-rearing age to go out to work, and therefore the courts may decide that the former husband alone be responsible for the family's

⁶⁶ Other forms of divorce, such as the granting of a divorce to a wife (*tatliq*), divorce by mutual consent (*ubara'at*) and the utterance of an oath of condemnation in cases of alleged adultery (*lian*) have not commonly been invoked in England.

⁶⁷ The Matrimonial Causes Act 1973, the Domestic Proceedings and Magistrates' Court Act 1978 and the Matrimonial and Family Proceedings Act 1984.

income (Poulter, 1998: 207-8). Furthermore, in deciding the amount of future payments the courts take into account the woman's *mahr* – payment made or pledged under the marriage contract. Given that Islamic and English Family Law have very different provisions for the granting of a divorce, it is encouraging to see how the latter complements the former when it comes to decisions about practical outcomes.

English Family Law makes provision for the custody of children in divorce cases on the basis that the welfare of each child overrides all other considerations. The four Sunni *madhahib* (see pp 65-67) have various provisions for the care of children of divorcing parents. Determining factors are the age and gender of the child in question. However, there are no recorded cases of Muslim parents in England claiming that any such provisions should be given consideration in divorce cases and if there had been, it would have been very unlikely that an English judge would have entertained them. (Poulter 1998: 208)

Members of South Asian Muslim communities, who outnumber Muslims of all other ethnicities in Great Britain (see p 24), have been vocal in advocating a system under which family law cases would be heard in parallel courts, with Muslim family cases being conducted in Shariah law courts. However, such a system would be considerably less popular among Muslims in five countries on the European mainland. According to the findings of Klausen, Muslim leaders in Denmark, Sweden, France, Germany and the Netherlands agreed that it would be a serious mistake and particularly bad for women if Islamic law was granted statutory status (2005: 189). In response to the question: 'Should secular civil law respect religious law and allow imams and *'ulama'* to decide on legally binding decisions for Muslims living in country X?', 77.12 per cent of Muslim leaders in

the five countries answered 'no', 11.82 per cent 'maybe' and only 11.86 per cent 'yes'. By contrast in Great Britain, 20 per cent of Muslim leaders answered 'no', 10 per cent 'maybe', and 70 per cent 'yes'⁶⁸ (Ibid. 192). In the following paragraphs, possible reasons for their responses are investigated.

Since 1997 the Muslim Council of Britain (MCB),⁶⁹ representing over 350 Muslim organisations nationally, like its predecessor, the Union of Muslim Organisations in the UK and Ireland (UMO), has repeatedly been pressing for the recognition of a separate system of Muslim personal status law applicable to all Muslim residents irrespective of their ethnicity, but it has not been successful in pressing its case for legal pluralism, having received little support at the level of national government even from Muslim representatives, who have not opposed the arguments of successive British governments for rejecting its demands (Ibid. 193), which are set out below.

Firstly, while the notion of a unified approach to family law is not totally adhered to in this country, its influence nonetheless plays an important role in the process of integrating newly arrived minorities, with a view to preserving national cohesion. Secondly, if Muslim family law cases were to be tried in Shariah courts, the various ethnic and cultural communities of British Muslims would be likely to form legal factions, each of which would have a different interpretation of the Shariah (Poulter 1998: 211-2). Klausen (2005: 194) has elaborated on this, pointing out that Muslim residents in Great Britain come from both Shiite and Sunni communities that conform to the laws of the various *madhahib*, and that these laws have themselves been reformed by

⁶⁸ This amounts to an even higher level of support than that recorded by the ICM poll question about the introduction of Shariah law in predominantly Muslim areas of Britain – see p 81.

⁶⁹ http://www.mcb.org.uk/downloads/mCB_achievements.pdf Accessed 26/01/2009.

the national legislative assemblies of the nations from which the families of these residents originated. Moreover, divisions among Muslims would arise not only along lines of sects, ethnicities and nationalities, but splits between conservative and secular Muslims would also manifest themselves in the courts. Therefore, if reform of English Family Law were to take into account all of these factors, a system of such complexity would result that it would be unworkable. Thirdly, if all British Muslims were to be subject to the Shariah in matters of personal status law this would violate the principle of equal access to national laws, guaranteed under Article 26 of the International Covenant on Civil and Political Rights (ICCPR). It would also violate the principle of sexual equality embodied in the ECHR Articles 12 and 14, in the ICCPR Article 23(4) and in the International Convention for the Elimination of All Forms of Discrimination against Women (ICEAFDW) Article 16(1) (Poulter, 1998:215).⁷⁰

The following counter-arguments have been put forward by Muslim organisations. Firstly, the relationship between religion, law and family in Islam is such an important part of Muslim identity that it needs to be recognised by statute. Secondly, in commercial and criminal law, the Shariah has been replaced or modified as a result of Western influence in many Muslim countries, which has led Muslims originating from these countries to regard personal status law as the one remaining legal bastion of their faith. (Poulter 1998: 201) Thirdly, South Asian Muslim migrants may be familiar with the system of legal pluralism introduced by the British colonial authorities in India prior

⁷⁰ It may be noted that conservative Muslims do not accept Article 16(1) because of their belief that the Shariah does accord rights to women that are equivalent to those of their spouses, thus ensuring a just balance between the sexes.

to the granting of independence.⁷¹ This system, known as legal federalism, is still in force in India and some British Muslim leaders see that system as a template for British society (Klausen 2005: 192-3). Fourthly, it has been argued that adherence to the Shariah in matters of personal status has positive social outcomes, such as reducing the number of divorces and illegitimate births and providing protection from practices such as extra-marital affairs and prostitution. Finally, ICCPR Articles 18 and 27 and Article 9 of the ECHR, which guarantee citizens their religious freedom have been cited. (Poulter 1998: 202-3)

Having examined the arguments for and against the introduction of a system of parallel courts in England it must be concluded that it would create more problems than it would solve, both in its administration and in terms of the achievement of consistency of justice meted out. Furthermore a number of councils employing imams and '*ulama*' qualified to help Muslims in Great Britain live their lives in accordance with Shariah principles (as interpreted by the various *madhahib*) without transgressing English Family Law already allows Muslims in Britain access to advice on how to live in accordance with Islamic injunctions. *Al majlis ashari'a*⁷² and *al-majlis al-urubi li-l-ifta wa al-bunuth*⁷³ are two examples of such councils. They issue Muslim divorce certificates (see Appendix 4, p), pronounce *fatawa* (legal decisions) on matters of contention (Bano 2008: 295), albeit without any statutory force, and offer mediation services in marital disputes with a view to reconciliation. Their services may be useful to Muslim women. For example, they may advise a woman on the legal status of a polygynous marriage

⁷¹ Muslim Personal Law (Shariah) Application Act, 1937.

⁷² <http://shariahcouncil.org/About%us20Us.htm> Accessed 26/01/2009.

⁷³ The European Council for Expert Opinions and Studies, founded in London in 1997. Eight of its 30 councillors have to be residents of Islamic countries, and this underpins its conservative perspective (Rohe 2004: 180).

contracted in Europe; a woman whose *wali* claims to have far-reaching powers of representation in her marriage contract; a woman whose husband has uttered *talaq al-bidah* (triple renunciation at one time with a view to divorce); a woman who has been granted a divorce under English Law but requires her husband to utter *talaq* so that she can remarry as a Muslim; a woman who requires her husband to utter *talaq* so that she can be regarded as divorced in her country of origin; a woman whose husband refuses to pay divorce settlement dues; a woman whose children have been assigned to the custody of their father; or a woman whose children have received shares in an inheritance on the basis of their gender (Rohe, 2004: 163). However, since the advice of Shariah councils has no statutory force, Muslim women may choose not to consult them, or, having sought their opinion, disregard it and have their cases heard by an English civil court (Ibid: 172-3).

Rohe argues that there needs to be a balance between legal assimilation and acculturation (see pp 83-84) in order to resolve any ambiguities about the legal position of Muslims in Europe, and cites the Spanish Personal Status Law 1992 as an example of the practical implementation of such a balance under the law. In Spain Islamic marriages are recognised but they must be registered to ensure legal security (Ibid: 164-165). The law empowers imams to issue legally binding marriage documents only in cases where both spouses have complied with the laws of their country of residence, and therefore it renders illegal such practices as polygyny and marriage involving minors. Without the protection of such a law, a woman who gets married in an Islamic ceremony in a European country has no recourse to civil marriage law. Nor can she remarry, having obtained a civil divorce, unless her husband agrees to go through with a religious divorce.

A man, on the other hand, may remarry legally, having divorced his first wife in a civil court, without having uttered *talaq* (Klausen 2005:188). A Muslim Law (Shariah) Council report dated October 22nd 2004 estimated that 4,000 men circumvent the English Family law prohibition of polygamy by taking subsequent wives in religious ceremonies. Such wives have no civil rights in British courts and, as a result of the behaviour of their husbands they are in a worse legal position than they would be in a jurisdiction where only Shariah personal status law applied. The behaviour of men who exploit both the Shariah and national laws in order to contract a form of marriage that is permitted only out of consideration for the economic well-being of women by the former⁷⁴ and forbidden by the latter⁷⁵ underlines the urgent need for legislation that would recognise Muslim marriage contracts, and for a comprehensive system of record keeping so that the chances of Islamic or national laws being circumvented are minimised.

One measure undertaken by the British government to prevent the abuse of faith marriage commitments was made in 2002 under the Divorce (Religious Marriages) Act. Although the only faith specifically mentioned under this Act is Judaism, the law is applicable to other faiths. It enables 'a court to require the dissolution of a religious marriage before granting a civil divorce.'⁷⁶ It is applicable when a divorce has been granted but not made absolute and the couple has been married in accordance with 'the usage of the Jews, or [...] any other prescribed religious usages.'⁷⁷ The couple 'must co-

⁷⁴ Koran 4.3, 4.129.

⁷⁵ Offences Against the Persons Act 1861 s 57.

⁷⁶ <http://www.opsi.gov.uk/ACTS/acts2002/20020027.htm> Accessed 11/11/2006.

⁷⁷ Ibid.

operate if the marriage is to be dissolved in accordance with those usages'⁷⁸ and they must produce evidence to the court to prove that they have done so.

Recognising Muslim marriage contracts is one thing, but giving statutory status to Shariah personal status law is quite another. In his February 2008 speech the Archbishop of Canterbury, Rowan Williams, did not call for a parallel jurisdiction in England under which Muslims would be subject to the rulings of Shariah courts, as explained to this author in a personal interview with Canon Guy Wilkinson.⁷⁹ The Archbishop's argument, which is not a new one, was merely that all citizens ought to be able to practise their faith in accordance with their religious conscience. With regard to Muslim personal status law, realisation of this ideal would give rise to two issues, the first of which concerns the marriage ceremony. Christian and Jewish marriage ceremonies do not need to be solemnised by a registrar (Poulter, 1998; 205), but imams are not currently recognised as civil registrars. However, the Archbishop believes that, with the implementation of proper safeguards that would make Muslim marriage ceremonies consistent with English Family Law, such as the proscription of polygyny and the protection of women's custody rights over their children, it would be relatively straightforward within civil law to bestow legal recognition on an imam in a marriage ceremony and thereby to recognise Islamic marriages and remove the current need for a secular registration procedure, which may cause Muslims to believe that their religious identity is viewed by the law as an anomaly where marriage is concerned. This writer believes that most Muslims would welcome the implementation of a legal reform that reflects the Archbishop's belief, and fails to see why non-Muslims should find such a reform objectionable.

⁷⁸ Ibid.

⁷⁹ Conducted on 01/04/2008.

The second issue concerns the 1996 Arbitration Act which 'applies to every citizen in the country. The Jewish community has operated through the Arbitration Act for some 10 years or more' (Wilkinson: 2008). The Act provides for arbitration of disputes between two parties where a third party acts as the arbiter. The decision of the arbiter is held to be legally binding:

Provisions are available and could be used by Muslims, for example, in a dispute over inheritance. Muslims are at liberty to appoint someone from the Shariah Court to make judgements between two conflicting parties. [If the outcome of the arbitration is considered fair and] within the scope of the Arbitration Act, then the decision of the Shariah Court will be held to be binding by the civil court (Ibid).

There is currently scope under the provisions of the Act for a Shariah council to implement judgments in cases of matrimonial dispute, as long as they accord with English Family Law, and therefore it would be possible to extend to Muslims (and others) the same arrangements for civil and religious arbitration as those available to Christians and Jews.

Interestingly, in the Canadian province of Ontario, where an official report⁸⁰ recommended a system of legal pluralism under which arbitration based on religious law would be used as a means of resolving family disputes, on the grounds that it would facilitate the preservation of minority cultures, a comparable debate has been taking place over recent years. Many Canadians, particularly those who have voiced concerns about

⁸⁰ 'Dispute Resolution in Family Law: Protecting Choice, Promoting Inclusion' (Boyd: 2004).

Muslim women being excluded from the debate about the best way to resolve marital difficulties, have opposed the recommendation. Like Khalida Khan (see p 225) in England, who expressed the view that 'there is an unhealthy trend towards an alliance of men in building structures of power, excluding and marginalising the role of women' (Q News, July 2004: 19), the Canadian Council of Muslim Women opposed extending the power of conservative Muslim bodies, arguing that by doing so too much power would be placed in the hands of a patriarchal elite, and that this would disadvantage women.

With all due respect to Ms Boyd's work, we reject her conclusions for a number of reasons, primarily because they do not acknowledge the vulnerability for women leaving abusive relationships created by a regime of privatized dispute resolution. (Cross: 2005)⁸¹

In a paper delivered at the 2008 CRONEM conference Jarman also opposed the introduction of this sort of legal pluralism in England. She rejects the arguments that quasi-legal experts on Muslim culture are the best people to deal with Islamic marital disputes and that their judgments should remain confidential for the protection of parties to the marriage contract, on the grounds that empowering such experts would only consolidate the patriarchal status quo among British Muslims. Bano agrees with Jarman, arguing in her response to Archbishop Williams' speech (2008: 286) that his suggestion that Muslims should use the 1996 Arbitration Act to resolve family disputes is based on:

⁸¹ <http://www.wluml.org/> Accessed 12/07/2005.

The implicit assumption [...] that all Muslims [...] are in favour of accommodating some form of sharia in to English law [...] Many Muslim women are critical of such developments and, as primary users of sharia councils, their narratives must underpin such debates.

Citing her own 2007 study, Bano refers to:

An uneasy tension between the expectations of Muslim women seeking to obtain a Muslim divorce certificate and the concerns of religious scholars, whose primary objective was to 'save' the marriage' (Ibid. 297)

On the one hand the primary concern of the women in her study was to find a solution to their marital difficulties, and for many of them this meant divorce. Their attitudes towards the mediation of scholars ranged from commitment, through indifference to outrage (Ibid: 302). On the other hand the imams or '*ulama*' to whom they went for counsel wished to bring about reconciliation, believing that their advocacy would strengthen local Muslim community identity and be in accordance with their role in the wider *umma*. Their mode of intervention may seem similar to English family law mediation, but according to Bano, it is 'conceptualised in terms of the duty of all Muslims to abide by the requirements of the sharia' (Ibid: 298). Moreover, many council members have no wish to be given statutory powers. They are content with their current paralegal status and would not want their role to be formalised under English Family Law, believing that it would be unIslamic for them to become a part of a secular legal system (Ibid: 299).

Bano's response to Archbishop Williams' speech highlights the fact that Muslim opinion on the merits of introducing a system of parallel courts in order to facilitate the resolution of Muslim marital difficulties in England is divided. In short, its introduction is broadly supported by traditionally minded conservatives. It is opposed not only by secularists, but also by women who, while they may not have taken up any position on the interpretation of the founding discourses, have decided to seek divorce rather than marital reconciliation.

To conclude this section, any attempts to set up parallel courts to deal with cases of marital breakdown would not serve the interests of Muslim women unfortunate enough to be trapped in abusive marriages. Moreover they would be detrimental to relations between Muslims and the host community. For these reasons, as Malik (2005) has argued, legal reform aimed at bringing about a greater degree of pluralism in English Family Law in order to make it more inclusive of Muslim and other faith groups should occur as a result of negotiation and compromise within the existing legal framework:

Conflicts will need to be resolved through a process of negotiation that is carried out within key national political and legal institutions and will require compromise and adjustment by all sides. Such moves have the potential to reduce the gap between the experiences of Muslims in their daily and practical lives and their experience of mainstream legal and political institutions. This in turn can encourage the meaningful identification of minorities such as British Muslims with mainstream legal and political institutions (The *Guardian*, January 21st 2005).

This statement points the way forward to the resolution of conflicts that may arise over legal issues between Muslims and the host community. However, it appears to overlook the diversity of opinion among Muslims in Great Britain on family law matters. In addition to inter-community compromise and adjustment, *intra*-community compromise and adjustment are also needed before any legislation governing the lives of all Muslim residents of Britain can be agreed upon.

5.4 Veiling

The headscarf-hijab debate has become a microcosm of the debate on pluralism and multiculturalism. McGoldrick, 2006: 33

The Muslim practice of veiling (see pp 248-251), probably the most visible manifestation of Muslim women's faith identity, has led to controversy over a number of areas of human rights issues including privacy, identity, discrimination, equality, freedom of religion, freedom of expression and minority rights. Generally, however, in Great Britain there has been a less acrimonious debate on Muslim women's dress codes than there has been in France, where in 2004 legislation was passed governing the wearing of headscarves and other items associated with religious identification by students in public educational institutions (Fetzer and Soper, 2005: 78-9), or in Turkey, another nation where public secularism is embedded in the constitution (McGoldrick, 2006: 10-11).

The Arabic word hijab has recently found its way into the consciousness of non-Arabic speakers. McGoldrick (2006: 5) correctly translates it as a curtain affording privacy, for this was how the term was used in the Koran (33.53). However, in modern parlance it is widely used, both in Arabic and in English, to refer to female Islamic dress

generally, including a headscarf and a long coat. It does not imply or include the face-veil, for which there are a number of Arabic terms. The word used in the Middle East and North Africa for a face-veil that leaves the eyes exposed is *niqab*, which is also becoming familiar as an English loan-word, while a veil that conceals the eyes is known as *ghata* in Saudi Arabia, *khimar* in Jordan and *sadl* in Algeria. These words have yet to become incorporated into the body of English loan-words, but the word *jilbab*, denoting a one-piece garment covering everything from the hair to the toes, is gaining currency.

Under Article 9 of the European Convention on Human Rights (ECHR 1950), a citizen has ‘... freedom to manifest his religion or belief, in worship, teaching, practice or observance ...’ but such freedom may be ‘... prescribed by law ... in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.’ At least three European governments have legislated on manifestations of religious faith, including the hijab. Laws banning the wearing of Muslim headscarves affect students in France and Turkey, as well as public school teachers and public employees in various states in Germany (Klausen, 2005: 171). By contrast, in Great Britain, where national identity is less well-defined than in those three countries, there is a reluctance to use the law to coerce members of minority groups to abandon their traditions.

Muslims have always valued female modesty, exerting social pressure on women to cover their bodies and hair, though not necessarily their faces, as a symbol of faith, as a means of minimising promiscuity and as a method of protecting themselves in a physically harsh desert environment. Muslim women are enjoined to dress modestly in public, essentially in order to minimise the risk of their being sexually propositioned or

molested by men in public places, to avoid the possibility of men being tempted to view Muslim women as objects of sexual desire and proceeding to pursue such desire, and to reduce the danger of family relationships being threatened or destroyed as a result of infidelity and promiscuity. By dressing modestly, women can proceed to concentrate on spiritual, intellectual and professional aspects of their lives. However, in recent decades dressing in accordance with Islamic principles has also developed political significance as a statement of resistance to Western dominance, indicating identification with Islam's cultural heritage. (Esposito, 2002: 96)

By contrast host community women now tend to base their choice of attire on considerations of fashion, comfort or convenience rather than propriety, although this has not always been the case. The gulf dividing Muslim and Western ideas about covering the female form was much narrower a hundred years ago than it is today. In 19th Century Great Britain, public exposure of a woman's legs was considered indecent, and women covered their heads in public. Indeed, an adult woman exposing her navel in most public places was considered indecent even as late as the 1960s (Rooth, 1970: 135).

The Koran (33:59) instructs believing women to cover their bodies with their *jalabib* (plural of *jilbab*) so that they will not be annoyed [by men]. Among Muslims, the debate on veiling tends to focus on its extent – whether or not the eyes, face, hands and feet must be covered. On these questions the four Sunni *madhahib* differ: the Shafi'i and Hanbali regard the face veil as obligatory, whereas the Hanafi and Maliki do not (Al-Jaziri, 1986: 183).⁸² Investigations conducted by Roald (2001: 282) and Klausen (2005: 182) suggest that in the West the consensus among Islamic leaders and scholars is that

⁸² Roald (2001: 267) appears to be mistaken about the Maliki.

covering the body and the head is sufficient, and that the wearing of the *niqab* is not required. However, the absence of a single hierarchical body respected by all Muslims in Great Britain, coupled with the strong cultural convictions of some of them,⁸³ explain the phenomenon of a minority of Muslim women who cover their faces, hands and feet in public spaces. When they have attempted to do so in places of work or study it has in some instances led to court action. In the following paragraphs, synopses of three high-profile legal cases in which the right of women to wear the *jilbab* or the *niqab* was denied.

Shabina Begum, a 13-year-old girl, was sent home from school for wearing a *jilbab* in September 2002 by the Muslim principal of Denbigh High School, Luton, where 79 per cent of the students were Muslims, and the hijab is an optional feature of the uniform. She lodged a successful appeal against the principal's decision.⁸⁴ It was the first time that a court had upheld the right to wear religious dress, and the verdict represents a complete contrast between the status of the headscarf in Great Britain and its status in France. The judge cited Article 9 of the ECHR in support of the verdict, the same article that the French Government had cited to support its headscarf ban (Klausen, 2005: 183-4). However, the Court of Appeal judge's decision was contested and went before the House of Lords. On 23 March 2006, Lord Hoffman overruled the Court of Appeal, interpreting the text of Article 9 'not [to] require that one should be allowed to manifest one's religion at any time and place of one's own choosing. Common civility also has a

⁸³ For example, adherents to Wahabi movement, and sects of South Asian origin such as the Deobandi and Jabligh Jama'at.

⁸⁴ *hizb at-tahrir*, of which party her brother was a member, took credit for the case's outcome.

place in the religious life.’⁸⁵ McGoldrick concludes his account of the Begum case with the following remark:

The House of Lords decision on *Begum* would suggest that when public institutions take decisions in a thoughtful, sensitive and participatory manner that seek to balance the relevant considerations, their decisions will not be interfered with lightly by the courts on human rights grounds (2006: 204).

Difficulties arising from an extremely conservative interpretation of the founding discourses were again highlighted by the case of Aishah Azmi, a bilingual classroom assistant at Headfield Church of England School in Dewsbury, Yorkshire, who wore the *niqab* in the classroom. Having been suspended from duty on account of her refusal to remove it she claimed that she was a victim of religious persecution, but on 19 October 2006 her case was dismissed by a Leeds employment tribunal. However, the tribunal ordered the local council to pay £1,100 for victimising her, and also rebuked the Prime Minister and other members of the government for commenting on the issue while it was still before a hearing.⁸⁶ On 30 March 2007 the Employment Appeal Tribunal dismissed Aishah’s appeal, ruling that she was not directly discriminated against on the ground of religious belief. Although there had been indirect discrimination this was acceptable on the facts of this particular case because it was an appropriate way of raising educational standards.

⁸⁵ <http://www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060322/begum-1.htm> Accessed 05/07/07.

⁸⁶ http://news.bbc.co.uk/1/hi/uk_politics/6068320.stm Accessed on 17/07/07.

In November 2006 Judge George Glossop ordered legal advisor Shabnam Mughal to remove her face-veil in a court in Stoke on Trent for contempt in the face of court. She refused and the judge referred the matter to Mr Justice Hodge, President of the Asylum and Migration Tribunal, who stated that judges must use their discretion on a case-by-case basis:

The presumption is that if a representative before an AIT tribunal wishes to wear a veil, has the agreement of his or her client and can be heard reasonably clearly by all parties to the proceedings, then the representative should be allowed to do so. If a judge or other party to the proceedings is unable to hear the representative clearly then the interests of justice are not served and other arrangements will need to be made.

The strength of feeling against the wearing of the *niqab* in Great Britain among both secularist and many conservative Muslims is expressed in the following excerpt from a press release by the Muslim Education Centre of Oxford:

While veiled Muslim women like Ms [Aishah] Azmi have a right to wear what they please, they cannot claim any *credible Islamic scriptural basis* for their archaic Byzantine and Persian inspired dress modes. [...] Before adopting such un-Islamic garb unthinkingly, British Muslims should reflect why all face coverings are expressly prohibited during the *hajj*, Islam's holiest public gathering? They should also take stock how their silent support for extremist non-Islamic practices like the *niqab* and the absolutely rigid separation of the sexes in all circumstances only serves to

foster greater Muslim alienation and self-imposed apartheid within this country.⁸⁷

It is more difficult to find publications that defend the wearing of the *niqab* in Great Britain, possibly because few publishers wish to disseminate such views in the current political climate, but Ameli and Merali⁸⁸ (2006: 67) quote the opinion of Nasreen Nawaz, women's media representative of *hizb ut-tahrir* in Britain:

The hijab and jilbab are Islamic obligations for a Muslim woman, regardless of where she lives [...] similar to the Islamic obligations of prayer and fasting.

In the same publication, Ameli and Merali present a list of their expectations of the British government. The list includes the right to wear the *niqab*, the incorporation of the hijab into school and workplace uniforms and government condemnation of hijab bans abroad, for example, in Turkey and France (Ibid. 74-78). With regard to their first point, Muslim women in Great Britain already have the right to wear the *niqab*, although it is not generally acceptable in schools and workplaces, senior members of the government have expressed their disapproval of it and those who choose to wear it in public run the risk of encountering hostile reactions. Turning to their second point, some, schools and workplaces have already incorporated the hijab into the uniforms of their female Muslim pupils or workers. With regard to the third point mentioned, it would be ineffective for the British government to condemn other nations for their anti-hijab

⁸⁷ www.meco.org.uk/press14.htm Accessed 12/07/07.

⁸⁸ In a booklet published by the Islamic Human Rights Commission.

policies, even if it had the electoral mandate to do so. In short, Ameli and Merali's recommendations seem to be ill-conceived.

To conclude, in a multicultural democracy like Great Britain, a Muslim woman's interpretation of the verses of the Koran that deal with the issue of veiling should be a matter of personal choice, though clearly there are Muslim sects and political organisations that demand varying degrees of uniformity in dress of their female members, just as non-Muslim employers and educational establishments do. Veiling should not have become a legal issue and where laws have restricted its permissibility they have infringed Muslim women's personal freedom to define their physical identity. Islamophobic arguments that connect the wearing of the headscarf with or without the *niqab* and terrorism are indicative of an attitude towards Muslim women bordering on paranoia. On the other hand, Muslim women who expect to integrate into British schools and workplaces while keeping their faces hidden are either being naïve or unreasonable in expecting their employers, colleagues, clients or customers to engage in appropriate interaction with them while being unable to interpret their reactions and feelings from their facial expressions. On the other hand, compliance with the more moderate interpretation of the Koran by covering the hair, neck, arms and legs does not impede communication or reduce one's physical ability to study or perform most kinds of work. Therefore arguments put forward against such compliance are baseless and socially divisive.

Two issues central to the socio-legal identity of Arab Muslim women have been investigated and discussed in this chapter. Each of them presents challenges relating to the compatibility of distinct cultures. Firstly, it was argued that while Muslim women

migrants need the existing legal framework to be adaptable in order to regulate a wider range of cultural and religious practices, calls by some Muslim leaders, principally of South Asian descent, for the implementation of a system of parallel courts in the area of personal status law have not received political support nationally and it seems unlikely that such a system will be introduced, especially given the lack of agreement over this issue among Muslims themselves. Secondly, it was argued that there is no need for any national legislation restricting the wearing of the Islamic veil, and that where the wearing of the *niqab* may conflict with requirements of uniform, impede one's ability to work or present a security risk, school or workplace authorities should be entitled to implement their health and safety policies by proscribing it.

Chapter 6

Interview and Questionnaire Methodology

Data gathering does not occur only through the detached observational role, but through the subjectively immersed role as well. (Adler and Adler *Membership Roles in Field Research* 1987: 84)

An authoritative account can best be produced by a *reflexive* encounter with the 'known', the apparently familiar. (Cownie *Legal Academics* 2004: 25)

The first section of this chapter discusses some of the theoretical aspects of qualitative interviewing relevant to the investigation. It is followed by an account of how the empirical research actually evolved – how the original idea of interviewing a group of Arab Muslim women resident in Great Britain was put into practice and then broadened, supplementing the original research design by engaging the co-operation of five legal experts in order to achieve the third aim of the study (see p 13). Finally, there is a section on the analytical methodology employed in the processing of the interview data, which explains how participants were divided into clusters with a view to providing a structure for the evaluation of the investigation.

6.1 Application of Methodological Theory

It was argued in (pp 72-73) that even if a cogent theoretical model for the investigation of women's identity encompassing all ethnic and religious variables were put forward, the rationale behind the construction of such a model would be questionable. However, this does not mean that *methodological* theory developed in the context of studying the identity of Western women needs to be reinvented in order to make it appropriate to the

study of the life stories and the identity of women with non-Western ethnic or religious backgrounds. Primarily, all that is required in the application of the theory is an awareness of the cultural sensitivities of the group in question.

Sociologists such as Oakley (1992) and Stanley and Wise (1990) pioneered the development of qualitative research involving semi-structured interview techniques in the study of Western women's status and life-stories. These techniques empowered the women who were interviewed, making them a dynamic part of the research process – active participants rather than just respondents. Oakley (1992: 37) argued that her way of conducting interviews is superior to the more dominant, 'masculine' research model, of which the features are 'the paradigm of the proper interview' (Ibid. 42) where values such as objectivity, detachment and hierarchy take precedence over the individualised concerns of informants. She also argued that her manner of face-to-face interviewing and her level of personal involvement helped to deconstruct the barriers between interviewer and informant. There is no cultural or religious reason why the theoretical imperatives behind Oakley's qualitative research should not be applied in interviews with Arab Muslim women. Indeed, Mernissi (1985: 90) and Rosander (1991: 19) have applied similar techniques in their interviews with North African women (see pp 68-71).

Given that personal experience of social life affords women of all cultural backgrounds distinct insights into the functioning of their societies, it follows that if a researcher is to understand how women from a given cultural background construct their identity and live in accordance with their perceived realities, these insights need to be investigated. Stanley and Wise (1990) have termed the theory underpinning such investigations 'standpoint epistemology', which is based upon:

Theory derived from experience ... constantly subject to revision in the light of that experience ... [since] all knowledge ... results from the conditions of its production, is contextually located and irrevocably bears the marks of its origins. (1990: 624)

My personal experience as an Arab Muslim woman thus positively facilitates insight. However, 'researcher distance' is also desirable. In this investigation, the conditions of production of participants' knowledge of contemporary Great Britain are those which they have experienced as migrants in this country. Although not having had the same exposure to these conditions personally as the majority of the participants in this investigation on account of my relatively privileged status, the difference in social experience has provided a measure of 'researcher distance'. That is, my experiences and observations of these women's lives over the past decade differ sufficiently from theirs, but at the same time I have retained strong links with my ethnic and religious heritage just as they have done, thereby maintaining the positional advantage of a cultural 'insider'. Arguably, therefore, my identity as an 'insider' has enabled me to relate to my informants better than an ethnic or religious 'outsider' would have done, allowing me to adopt a reflexive investigative approach - being mindful of the pitfalls of subjectivity on the one hand and the unattainability of total objectivity on the other. While being acutely aware of the advantages and disadvantages of my identity as a senior member of the Al Saud family on this approach, I have endeavoured to apply qualitative research techniques and principles throughout. For example, participants were given assurances of confidentiality and anonymity, though it needed to be kept in mind that if such assurances are pronounced too intensely they can raise suspicions about the sensitivity of the

discussion themes and therefore affect the accuracy of informants' responses (Singer et al. 1992: 258-60). They were also asked if they would agree to their interviews being recorded and their contributions being reported as research findings, and they were reminded that they were under no obligation to impart information or express their opinions. Furthermore, before the start of the actual interviews time was spent chatting informally, in order to establish collaborative and co-operative relationships of mutual trust and respect. Relevant information that participants revealed would be noted in order to avoid attempting to elicit it again once the interview proper begun.

At the start of an interview themes that were unlikely to cause embarrassment were introduced. It was anticipated that participants would feel more relaxed once they had begun to gain confidence by discussing relatively non-intrusive matters, and that they would then be more likely to be prepared to discuss culturally sensitive ones. Even so, it was necessary to proceed with caution. Embarrassing participants by asking them direct questions about their perceptions of the meanings of customs and rituals would have been tactless, counterproductive and might possibly have aroused suspicions about my motives. For this reason, attempts were made to detect the relevance of customs and rituals to the identity of the women, and therefore their relevance to this study. It was felt that taking a more subtle and sensitive approach would make participants feel less defensive. Throughout the interviews participants were encouraged to take their time in considering the themes under discussion, to consider them from a discursive perspective and to express their views as expansively as possible. They were also encouraged to be critical and to reflect independently through the expression of genuine interest in their narratives and opinions. Judgmental statements, potentially threatening objections and

expressions of disagreement with their opinions and attitudes were avoided. In my experience it is a particular characteristic of Muslim women to assume that as long as there is no verbal or paralinguistic sign of opposition to their statements their audience has accepted the validity of what they are saying. Therefore, by remaining passive, an interlocutor may paradoxically be actively encouraging the development of new lines of thought that otherwise would not have been articulated. Indeed, some women stated at the end of their interviews that their participation had afforded them the opportunity to articulate their own thoughts and perspectives, thereby clarifying certain issues in their minds.

This deliberate encouragement through positive feedback has been termed 'systematic reinforcement' by Cannell et al. (1977: 87), who confirm that it boosts interviewees' confidence and makes them more inclined to ask for clarification and take the time to provide full and complete responses. They argue that if successfully applied, systematic reinforcement can provide the researcher looking for patterns that elucidate the significance of observed phenomena with a substantial amount of data that is qualitatively superior to that which could be gathered by employing a more formal style of interviewing. Although a researcher and her informants are always likely to come to an interview with different perspectives, it is important that this should not lead informants to being sceptical or mistrustful about the researcher's intentions. By discussing and exploring issues of mutual concern, instead of merely recording factual data – a process which, though it may be important to the researcher, tends to be unstimulating for the informant, systematic reinforcement can generate not only a higher level of rapport: it can also generate new knowledge, which makes it particularly valuable as a means of

achieving one's stated aims. Furthermore, it may yield a rich database for subsequent research that may not even have been envisaged.

However, successful qualitative interviewing is an art rather than a science. Performance of this art may be acquired by experience, through the development of an ability to communicate with people that one has never met and gaining their trust and respect, thereby establishing a rapport with them, but it must be conceded that there is no way of measuring the effectiveness of this approach scientifically. As Groves et al. have observed:

There is a lack of systematic data on the topic of what rapport is, how much is ideal, and how it affects respondent performance and data quality.

(2004: 283)

It seems reasonable to conclude that in the absence of such data, the effectiveness of qualitative research will continue to depend on the extent to which a researcher consciously or unconsciously allows her own bias to undermine the quality of an investigation at any stage. Bias can result from the influence of a researcher's personal values and convictions, or from the imperatives of her research agenda. According to Becker (1967: 243-44), sociological analysis is always executed from someone's point of view and therefore it can never be totally objective or value-free. When sociologists decide on an area of research, narrow it down to a topic and consider a particular aspect of that topic from a given approach, their decisions reflect what they consider important, interesting and theoretically sound. In other words they are expressing their values, just as I have done in this study. I chose the topic because of my personal interest in the identity of Arab Muslim women in Great Britain because I considered that it had not

received sufficient attention. I wanted to investigate the relationship between their identity and the law because, as a Muslim, I believe in divine justice as expressed in the Shariah, and wanted to investigate the extent to which English Family Law is compatible with the Shariah. I chose to conduct semi-structured qualitative interviews, having concluded that they provide the best instrument for investigating life-stories and opinions.

It is tempting to disguise one's bias by appearing to be neutral and detached at interview, but this may be counterproductive in the sense that it makes it more difficult to establish a rapport. The extent to which one is prepared to reciprocate the levels of openness displayed by participants at interview is of critical importance to the success of any investigation. Although informants may perceive neutrality as a positive trait in a researcher - a sign of unbiased detachment and objectivity, they may also perceive it as a negative one, indicating arrogance, disinterestedness, lack of empathy or inability to relate. In the sense that my informants were able to observe that I, like them, am an Arab Muslim woman living in this country, total detachment on my part would have appeared unnatural, especially since themes relevant to my observable characteristics were being discussed. Excessive detachment would probably have led to their being reticent during discussions. Therefore, in order to encourage them to be forthcoming I let them know that I am married, and talked a little about my three children before the interviews started, as a means of 'breaking the ice'. The objective was to minimise the degree of imbalance between myself and my informants by demonstrating a willingness to reciprocate with them when talking about my domestic affairs.

However, after careful consideration I decided that it would be inadvisable to disclose the fact that I am a senior member of the Saudi royal family, as this would only

reduce the extent to which participants found it socially desirable to impart information and voice their opinions. Social presence theory proposes that the presence of the interviewer stimulates participants to consider social norms at the judgment phase of the formulation of their utterances so that they are subsequently under pressure to conform to these perceived social norms. This may lead to bias resulting from participants underreporting or misreporting socially undesirable attributes in an attempt to present themselves in the best possible light (Groves et al. 2004: 270), although Brambilla and McKinlay have argued that reports of interviewees engaging in desirable behaviour and attitudes are likely to be exaggerated (1987: 965).

Optimal performance at interview is a considerable challenge for the researcher. When designing a semi-structured interview, she needs to cover:

All the terrain in the same order for each respondent, [... be mindful of] the care and scheduling of prompts necessary to manufacture distance [...], establish channels for the direction and scope of discourse [... and ...] give all of [...] her attention to the informant's testimony.
(McCracken, 1989: 24-25)

Compiling a list of 'grand tour' (Spradley, 1979: 86-87) questions 'does not preempt the "open-ended" nature of the qualitative interview.' (McCracken, 1989: 25) Rather, the process of compiling these thematic questions (see Table 6.1 p 132) 'establish[es] the domain the interview will explore [and] specifies categories and relationships that may organize the data.' (Ibid: 31) The 'grand tour' questions in this study, devised with the benefit of the experience gained from the pilot phase of the study, are the product of the literature review undertaken in earlier chapters, coupled with

personal observations of 'cultural categories and relationships that have not been considered by the scholarly literature.' (Ibid: 33) When using analytic categories as a basis for interview themes, terms with which participants may not have been familiar were avoided. For example, instead of asking: 'To what extent do you consider yourself to be a cultural pluralist?' the less challenging question: 'Do you feel like a foreigner?' was posed. By contrast, when devising questions based on cultural categories established from personal experience, for example 'Would it ever be possible for you to marry a non-Arab?' concern about participants' comprehension of the questions was unnecessary. Nonetheless, some of their responses to such questions elicited observations that were 'the very stuff of understanding and explication [and] vitally important intellectual capital' (Ibid, 34).

In addition to 'grand tour' questions, 'floating prompts' and 'planned prompts' were employed when appropriate. The former may be paralinguistic. For example, if the researcher slightly raises her eyebrows, a participant may elaborate on her response. Alternatively, they may involve the repetition of 'the key term of the respondent's last remark with an interrogative tone'. (Ibid) If 'floating prompts' do not yield adequate responses, 'planned prompts' are needed. These may take the form of contrast questions using terms that the participant has introduced:

Only when these have been exhausted should the investigator introduce terms culled from the literature and cultural reviews. (Ibid, 35)

'Planned prompts' may be used 'to account for all the formal characteristics of the topic under discussion.' (Ibid. 36) For example, when participants affirmed the importance of family history, they were prompted to explain why it was so important to

INTERVIEW THEMES	
SELF-PERCEPTION (Ch 1 and 2)	
<ul style="list-style-type: none"> • Prominent aspects of identity • Major influences on identity • Factors influencing choice of friends • Expression of Arab ethnicity • Expression of Islamic commitment • Influence of group/society membership • Differences between self and host community women 	
FAMILY (Ch 3)	
<ul style="list-style-type: none"> • Marriage arranged or not • Attitude towards polygyny • Attitude towards family planning • Attitude towards gender of children • Division of childminding within the family • Language spoken at home • Attitude towards educating children in Arabic • Attitude towards educating children in Islamic Studies 	
LIVING IN GREAT BRITAIN (Ch 4)	
<ul style="list-style-type: none"> • Attitude towards loss of heritage • Effect on marriage • Influences on how they dress • Attitude towards veiling • Attitude towards changing behaviour/<i>mu'alamat</i> • Attitude towards integrating • Experiences of discrimination 	
LEGAL ISSUES (Ch 5)	
<ul style="list-style-type: none"> • Knowledge of the Shariah • Knowledge of English Family law • Attitude towards the Shariah not being recognised here • Opinion on the need to spread awareness of the Shariah • Areas of English law regarded as problematic 	

Table 6.1 Interview themes (with chapter references to analytical and cultural categories)⁸⁹

⁸⁹ See Appendix 2 (pp 282-315) for more details of the 'grand tour' questions that guided the interview discussions.

them, whether their interest was nurtured by their parents and others, whether they considered their interest to be an aspect of their cultural identity, and whether there were any barriers to their knowledge of it. Planned prompts may involve ‘ask[ing] respondents to recall exceptional incidents in which the research topic was implicated.’ (Ibid) This kind of prompt can be revealing because ‘when the surface of social life is broken open by a “strange event”, cultural categories and relationships prove suddenly visible.’ (Ibid) For example, several participants recalled situations in which they felt like outsiders in Great Britain. Their recounts of such situations provided valuable data on their levels of integration, and on host community perceptions of Arab Muslim women’s identity.

Informants employ various cognitive processes when responding to the challenges presented by a semi-structured interview. As in normal discourse in which topics and issues are repeatedly reviewed, informants may employ the process of backtracking, using their powers of comprehension and retrieval reiteratively rather than sequentially, as was indeed the case with some of the participants in this study. If the researcher is aware that this process is being employed, she can modify her approach to discussion themes accordingly, using unplanned prompts as and when appropriate. Another process that informants may employ for a variety of reasons is the taking of shortcuts (Cannell et al. 1981: 401-02). They may want to complete an interview quickly, as did one of the pilot participants in this investigation. Shortcuts can be achieved by acquiescence (Groves et al. 2004: 208) - agreeing with an interviewer rather than engaging in dispute, or by interpreting a theme in a way that is apparently reasonable, but not necessarily honest or thorough. Another reason why an informant might choose to take a shortcut is that she has not been focusing adequately on the theme under discussion and wishes to

disguise the fact. Such an approach to interview participation has been termed the 'satisficing model'. (Krosnick and Alwin 1987: 203) To their credit, however, participants in this investigation generally appeared to remain focused on the themes being discussed.

However, their concentration was no guarantee of their ability to recall past events accurately. Groves et al. (2004: 202) have identified three ways in which the ability to recall the past is negatively affected, all of which can impact upon the reliability of informants at interview. Firstly, there is the tendency for people to add details to an incomplete memory of a past event over time as they attempt to reconstruct what took place. This retrospective bias may be based on what usually happens or on what is happening now (Bern and McConnell 1974: 27). Secondly, there is retrieval failure, the inability to remember information stored in long-term memory, which may result in the formation of a composite memory so that early childhood memories, for instance of deceased or faraway family members, may blur into a non-specific recollection. Thirdly, as Rubin and Baddeley (1989: 653-56) have suggested, a process which they term 'telescoping' may take place as people recall past events, making them seem closer and more significant than they actually are. In this investigation 'telescoping' may have been particularly common in discussions about childhood influences on participants' identity. Indeed, according to Rubin and Wenzel (1996: 746), the impact of time on memory is stronger than any other factor. In short the success of a qualitative research investigation in part depends on participants' ability to remain focused, to be honest and to recall the past accurately.

An awareness of the theoretical principles and techniques outlined above guided this investigation as it evolved. Decisions and choices were made in the light of these principles and through the application of these techniques, but the overarching intention was to portray the identity of participants as truthfully and accurately as possible, while acknowledging the effects of personal bias and values. Its findings may or may not be accepted as valid or reliable, but the main question should not be whether it is biased - of course it is: bias may be seen as a necessary function of one's research aims – but rather whose interests are served by this bias (Gitlin et al., 1989: 238-39).

6.2 The Interviews - Practicalities

This sub-section records the stages of development of this study from the initial idea of interviewing a sample of Arab Muslim women resident in Great Britain in order to find out how they perceive themselves, and to discuss what kind of identity changes they have undergone since their arrival here and how they have interacted with the host community. As mentioned in Chapter One (see p 15), when it became clear that the quality of the data garnered from the interviews did not constitute an adequate basis for the achievement of the third aim of the investigation, the research design was extended to incorporate expert legal opinion. Details of how this was achieved are presented below (see pp 148-150).

From the outset it was intended to interview Muslim women of various Arab nationalities. Summaries of participants' biographical data are presented in Tables 6.2A, 6.2B and 6.2C (pp 139-141). It has already been stated (see p 59) that the decision to include participants from a number of Arab countries does not imply that the author

believes in the notion of Pan-Arabism. Nor does it imply a lack of awareness of the cultural diversity that exists within the Arab world. Rather, the decision was based on the fact that all participants would at least share the same religious and linguistic heritage, and in these respects they would form a homogeneous group. Subsequent interview data analysis suggested that a participant's nationality was one of the less significant variables in determining her identity, in the sense that nearly all of them appreciated the opportunity afforded to them in Great Britain to free themselves of some of the cultural constraints imposed by their countries of origin. As Rohe has commented:

The traditional forms of religious life that are tied to familial/ethnic affiliation or regional origin, seem to dissolve among the Muslim migrants in the diaspora. (2004: 183)

In her research on the identity of Muslim leaders in various European countries including Great Britain, Klausen also found that differences that could be attributed to her respondents' national origin were relatively insignificant. She states that 'the surprise was how little national origin mattered,' (2005: 219) although her findings did reveal that British Muslims of South Asian origin supported legal pluralism much more than other Muslims resident in Europe (see pp 104-111 and pp 225-236). My decision to exclude Muslims of South Asian and other ethnic backgrounds from this investigation is consistent with a belief in the advantages of being an 'insider' (see p 51-55). As my spoken Arabic is close to the standard form of the language I was able to communicate with women of various Arab nationalities in their own language (although many of them preferred to conduct at least parts of their interviews in English) in a way that I would have been unable to do with women of South Asian origin. Moreover I believe that my

knowledge of Islamic terminology made it easier for me to understand what they actually meant when they were referring to matters of faith in Arabic.

At the beginning of the process of finding ways to achieve the aims (see p 13) of this study, a considerable amount of thought was devoted to deciding on interview themes (see p 120 above), discussion of which would reveal participants' perceptions of their personal and family identity and their attitudes towards various aspects of living in Great Britain, including their legal situation here. It was anticipated that in the process of discussing these themes, participants would construct oral narratives from which it would be possible to detect their attitudes towards their faith, their relationships with both their own communities and the host community, and their perceptions of legal issues. In short, it was hoped that my discussions would yield the data necessary for the achievement of the aims of the investigation.

The next step towards putting the research idea into practice was achieved by contacting a small number of women and to ask them to participate in the pilot stage of the investigation. While it would have been possible to have invited diplomatic contacts in London to participate in the study it was decided not to adopt this approach for two reasons. Firstly, it was felt that these contacts may well have been less candid than participants who were unaware of my family background. For these reasons it was decided that it would be better to approach provincial Islamic organisations in the hopes that some of their members would express an interest in the study, and the most promising response came from Dr Mahera Amirrad of the University of Birmingham

Islamic Society.⁹⁰ It was through her network that a number of Arab Muslim women were contacted by email and invited them to participate. Five women of different nationalities aged between twenty and thirty were finally selected and contacted by telephone, in order that they might understand the aims of the research and their rights and roles as participants.

It was essential to ensure that the pilot interviews were conducted in accordance with the ethical regulations of Oxford Brookes University. They were conducted exclusively in English, unlike the 2006 interviews, which were conducted in whichever language participants preferred -some in English, others in Arabic and others again in a mixture of the two languages. When pilot participants presented themselves at the Birmingham Crowne Plaza Hotel it was necessary not only to explain the reasons for the research project and the aims behind it, both orally and in writing, but also to address and explain the ethical issues to them and to obtain their signed agreement before proceeding with the interviews. These preliminaries were not recorded. One pilot participant asked to use a pseudonym while the other four were willing for their given names (though not their family names) to be used in the research, as were all of the 2006 participants. Moreover, having received transcriptions of the audio-recordings of the interviews, no participant from either group raised any objections about extracts from their interview transcripts being included in the text of this research. This is not to imply that the university's ethical regulations are in any way superfluous or excessive: it is rather a reflection of the high level of trust demonstrated by participants.

⁹⁰ sisters@buisoc.co.uk Accessed 04/04/2005.

Table 6.2A Summary of participants' biographical (A-G)

Name	Aisha	Alia1	Alia2	Asma	Baria*	Dalya	Dawwar	Eman (P)	Eqbal	Fawzia	Ghada
Country of Origin	Yemen	Syria	Oman	Egypt	Lebanon	Iraq	Iraq	Saudi Arabia	Iraq	Jordan	Occupied Palestine
Year of Arrival	1982	1996	2005	2000	1982	1987	1981	2003	1985	1990	2000
Reason(s) for Migration	parents' work	husband's work	study	family	Israeli invasion	family	political situation in Iraq	study	family	Iraqi invasion of Kuwait	political displacement
British Citizen	yes	no	no	no	yes	yes	yes	no	no	no	no
Age	29	46	32	20	62	24	26	22	34	46	28
Marital Status	married	married	single	single	married	married	married	married	single	divorced	married
No. of Children	1	2	0	0	4	2	1	1	0	3	2
Education	tertiary	tertiary	tertiary	secondary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary
Employment	librarian	secretary	student	unemployed	journalist	salon owner	student	student	financial consultant	charity worker	student

* The only participant known to this writer before the interviews took place.

(P) Participant in the pilot study.

Table 6.2B Summary of participants' biographical data (H-Muna)

Name	Hala	Hanan	Hiba	Jawahir	Khadija	Khadijeh	Lyna	Majdah	Mariam	Melsoon	Muna
	(P)		(P)						(P)		
Country of Origin	Jordan	Lebanese	Iraq	Saudi Arabia	Sudan	Iraq/Syria	Lebanon	Sudan	Oman	Occupied Palestine	Saudi Arabia
Year of Arrival	1997	1986	2000	2005	2000	2002	1979	1995	2002	1993	2000
Reason(s) for Migration	Economic migrant	family	family	study	asylum	study	family business	asylum	study	study and work	work and family
British Citizen	no	yes	no*	no	no	no	yes	yes	no	no	no
Age	30	44	23	30	42	26	60+	43	22	27	48
Marital Status	married	married	single	married	married	single	married	divorced	single	single	single
No. of Children	1	3	0	0	4	0	2	1	0	0	0
Education	secondary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary	tertiary
Employment	medical receptionist	virologist	student	medical doctor	voluntary work (refugees)	student	charity chair	carer	student	political counsellor	cultural advisor

(P) Participants in the pilot study.

* Swedish citizen.

Table 6.2C Summary of participants' biographical data (Muneera-Z)

Name	Muneera (P)	Muttia	Naval	Noor	Rania	Reem	Sulafa	Wafa	Zeinab	Zubaidah
Country of Origin	Yemen	Egypt	Lebanon	Egypt	Bahrain	Lebanon	Syria	Yemen	Yemen	Yemen
Year of Arrival	1987	1985	1994	1987	2002	2002	1998	1996	1986	1999
Reason(s) for Migration	parents: economic migrants	husband's work	family	family	work	study	study	family business	parents: economic migrants	work
British Citizen	yes	no	yes	no	no	no	no	no	yes	no
Age	19	52	28	42	36	24	25	36	28	44
Marital Status	single	married	single	divorced	single	married	single	divorced	married	married
No. of Children	0	2	0	0	0	2	0	1	2	3
Education	tertiary	secondary	tertiary	secondary	tertiary	tertiary	tertiary	secondary	secondary	tertiary
Occupation	student	family business	assistant editor	unemployed	financial consultant	house-wife	student	secretary	clerical officer	family business

(P) Participant in the pilot study

Just over a year after the pilot interviews, during the summer of 2006, 27 Arab Muslim women were interviewed in London, Birmingham and Manchester. Some of the London participants were initially contacted through the Arab International Women's Forum (AIWF),⁹¹ and through their networks it became possible to reach the other Arab Muslim women who agreed to take part. This snowballing technique afforded insight into the extent to which participants who were known to one another shared the same values and attitudes. The Birmingham participants were contacted through the same channel as had been used to recruit pilot interview participants. Those from Manchester were contacted through Manchester University Islamic Society⁹². The recruitment process, though somewhat piecemeal, produced a sample of educated Arab Muslim women of different nationalities from a variety of socio-economic backgrounds. Obviously the sample cannot be regarded as statistically representative of the entire population of Arab Muslim women resident in Great Britain, but analysis of participant views on many of the issues raised indicates a high level of consensus and is suggestive of the possibility that such views are widely shared by Arab Muslim women in this country.

It may be noted that the qualitative studies of Islamist Muslims in Europe by Roald (2001) and of Arabs in London by Nagel (2002) also involved analyses of responses from participants who were chosen non-randomly and who were not statistically representative of the wider religious and ethnic populations from whom they were drawn. Roald (2001: 59) employed eight criteria for selecting those who related their life-stories to her, whereas Nagel (see pp 85-92) recruited 54 candidates for her semi-structured interviews:

⁹¹ info@aiwfonline.com Accessed 13/04/2006.

⁹² <http://www.manchesterisoc.com> Accessed 13/05/2006.

Through chains of related informants, a technique that was especially conducive to the in-depth investigation of personal networks, social circles and relationships ... [and one that reflected] the diversity of the British Arab population in terms of national origin, citizenship, cohort, generation, religious affiliation and socio-economic status. (2002: 269)

To return to the 2006 fieldwork, once contact details of potential participants had been attained, the same preliminary procedures as those employed in the pilot stage of the investigation were followed. An introductory email was sent outlining research aims and participants' rights as stipulated in Oxford Brookes University's ethical guidelines. After that telephone contact was made and the same issues were explained and discussed orally. The interviews were held in hotel function rooms that had been reserved for the purpose, and usually lasted between 45 minutes and two hours. A master list of recordings and transcriptions was maintained, providing an indexing system for them all.

Both during the pilot interviews and during the 2006 interviews it was considered essential to record⁹³ all the data digitally and then to transcribe the texts of the recordings, on the grounds that accurate analysis could best be achieved by not only listening to, but also by reading what was said. Although awareness of the process of recording an interview can make participants feel nervous or self-conscious, it was considered that the distraction from the themes under discussion caused by taking notes during the interviews would be greater than that caused by a relatively unobtrusive digital recording device, and in any case note-taking would result in the production of a far less accurate record of proceedings. Transcriptions were made in order to complement rather than to replace the audio material in the subsequent process of data analysis:

⁹³ Most of the unstructured interviews that Roald (2001: 65) conducted for her book were also recorded.

it was felt that if the latter were dispensed with, paralinguistic data, not indicated in the transcripts, could be lost. Nonetheless, the practice of transcribing qualitative interview data recorded in empirical research projects is well established. In her work on the identity of legal academics Cownie (2004: 16-17) states:

I would agree with Buchanan et al (1988) that transcription ... provides a much greater degree of accuracy than is generally possible otherwise, and also enables the researcher to begin the process of identifying the themes and topics which will eventually form the basis of the analysis.

At the pilot phase of the investigation listening to the recordings and reading through the transcripts facilitated the task of evaluating the significance of participants' biographical variables and prompted a change in the age-range criterion that would be applied in the main (2006) phase of the investigation. At the pilot phase (see p 15) the aim had been to compile data relating to women below the age of thirty. It had been thought that if the age range of participants were too wide, a large amount of emphasis on differences in perceptions resulting from generational factors would result, and this would detract from the ethnographic and religious nature of the research. However, with the benefit of the hindsight gained from the pilot phase it was realised that chronological age alone is an inadequate criterion to use in deciding who should be included in an investigation of this kind: other variables also needed to be taken into account, as is illustrated by the following hypothetical example. If two middle-class Egyptian Sunni Muslim housewives, one aged 37 and the other aged 22, each with two young children, had both been resident in the same part of London for the same length of time, they would clearly have a considerable amount in common, and it would be hard to defend a decision to exclude the 37-year-old from the investigation on the grounds of age alone. Another reason for

widening the age range of participants is that distance can be manufactured 'by deliberately creating a contrast in the respondent pool.' (McCracken, 1989: 37) Moreover it was hoped that by raising the upper age limit, Arab Muslim women who had experienced adult life in Great Britain over a longer period would be able to participate and contribute potentially more qualitatively valuable data, particularly if they had had personal experience of English Family Law.

Other modifications were made to the approach taken to discussion themes in the light of experience gained from the pilot interviews. Firstly, although the pilot sample consisted of both married and unmarried women, insufficient attention had been paid to their marital status at the initial design stage, and it became clear that greater sensitivity and awareness of this would be necessary in discussing the theme of gender relationships within the family in order to optimise the quality of discussion.

Secondly it was necessary to review the extent to which discursive narration was permitted. In the introduction to her fieldwork study of Moroccan women, Rosander candidly reported that she found herself virtually powerless as a research director:

Nobody was willing to endure boring one-way communication, such as conventional interviewing, in which the structure of talk was unexciting. Whenever I did attempt a conventional interview, the women responded by abruptly changing the subject into something they found worth talking about. Thus, as an interviewer, I was totally in the hands of the women ... I was never sure how to direct a conversation towards my goal. My fieldwork ... [succeeded] mostly by chance, seldom deliberate[ly] ... (1991: 18)

Participants in this investigation were more co-operative than Rosander's had reportedly been, but analysis of the recordings of the pilot interviews revealed that at times one – 'Maryam' tended to ramble, narrating lengthy anecdotes of barely tangential relevance. It became clear during playback that she should have been politely encouraged to be briefer. The idea of encouraging discursiveness had been taken too far and firmer control would have been appropriate. However, it was important to remember not to be too dominant when exercising such control – a delicate balancing act had to be maintained. Indeed from listening to the recordings of the pilot interviews it also transpired that at times participants were not given enough opportunity to elaborate on their comments, and with this in mind, it was decided that in the 2006 interviews there should be more probing and prompting. Following the approach of Roald this involved active participation 'by posing questions ... and thus contribut[ing] to the further development of the discussions.' (2001: 65) Although the interviews proceeded according to the script of my notes there were frequent and significant digressions into key areas when participants began relating anecdotes of particular interest, for example when they talked about the nature of the influences that had moulded their identity, the challenges involved in interaction with the host community and their attitudes towards the desirability of implementation of the Shariah in Great Britain. Although both probing and prompting are a necessity, indeed an inevitable part of the interviewing process, it was of critical importance to employ these techniques with skill and sensitivity and to do so in a non-directive manner, so that the discussion and articulation of original ideas was stimulated. Loaded questions - worded and phrased in such a way as to limit informants' options, were avoided. Examples of loading include the 'everybody does it' technique, the 'assume the behaviour' question and 'the authorities recommend it' type of approach. (Groves et al. 2004: 231)

In short, experience gained during the pilot phase of the investigation led to several improvements in interview design and interlocutory technique that made it possible to tease out more informative responses from participants by communicating clearly and unambiguously. Moreover by analysing the pilot transcripts while bearing in mind the types of comprehension problems defined by Tourangeau et al. (2000: 330-331) in their research into the cognitive processes affecting interview responses, it was possible to reduce the occurrence of such problems in the 2006 interviews. However, it should be admitted that ‘knowing that there is a problem, even knowing the nature of the problem, is not the same as knowing the solution’ (Tourangeau et al. 2000: 334) as is illustrated in the table below by examples taken from interview transcripts.

TYPES OF COMPREHENSION PROBLEM	EXAMPLES OF SUCH PROBLEMS ARISING DURING INTERVIEWS	HOW TO RESOLVE THEM
Grammatical ambiguity	<i>‘you’</i> may refer to the person addressed (singular), the group to whom the person addressed belongs (plural) or it may be synonymous with the indefinite pronoun <i>‘one’</i> .	By using nouns (including names of participants) to avoid ambiguity
Excessive complexity	<i>‘Who do you regard, or what do you regard as having the major influence in shaping the person you have become ... for example is it your parents, family members, your religion, friends, media, key events in your life, marriage?’</i>	Simply by keeping sentences short
Faulty presupposition	Q. <i>‘You are a paediatrician?’</i> R. <i>‘No I am a family physician.’</i>	By not hazarding guesses
Vague concepts	<i>‘shopping’</i> – leisure activity or daily chore?	By being more precise
Vague quantifiers	<i>‘Do you have much to do with South Asian women?’</i>	By being more precise
Unfamiliar terms	<i>‘polygyny’</i>	By translating into Arabic
False inferences	Q. <i>‘Right so you are Arab, so do you feel that you need to make this clear to other people?’</i> R. <i>‘No, I look Arab.’</i>	By not hazarding guesses

Table 6.3 Participant comprehension problems and solutions

6.3 The Lawyers' Questionnaire

Despite the decision to raise the upper age limit so that more experienced and more mature women could take part in the study, it soon became clear that the majority of the 2006 participants did not have the requisite knowledge to address the legal themes presented to them, any more than the pilot participants had done. Indeed, some of them openly admitted as much. Therefore, in order to achieve the research aim of investigating the identity of Arab Muslim women in Great Britain with specific reference to conflicts over family and personal status issues stemming from differences between the Shariah and English Family Law, it was clearly necessary to look elsewhere for informed responses. Accordingly it was decided that lawyers with experience of acting on behalf of Arab Muslim women should be contacted. In the summer of 2006, fifteen London Muslim law firms were contacted with a view to arranging interviews with lawyers experienced in dealing with female Muslim clients in the area of Personal Status Law, who would be able to contribute to the legal perspective of this investigation more knowledgeably than the interview participants had been.⁹⁴ After encountering several initial setbacks, through perseverance contact was established with one lawyer who was invited to an interview to discuss the personal status of Muslim women here, focusing specifically on conflicts between the Shariah and English Family Law. He suggested that he would be able to contribute more effectively to the achievement of the third aim of the study if he were given time to consider his responses and proposed that an emailed questionnaire⁹⁵ would be an appropriate research instrument for the purpose, stating that he would expect a fee for his contribution to the research, and that he would prefer it if his contribution to the research remained anonymous, and

⁹⁴ Their contact details were obtained from <http://www.muslimdirectory.co.uk> Accessed 06/07/2006.

⁹⁵ For a review of the literature on the effectiveness of the internet and email as a research instrument, see Michaelidou and Dibbs (2006), Hewson, Yule and Laurent (2003), Mann and Stewart (2000) and Yun and Trumbo (2000).

that his email address and other personal information were not disclosed. Accordingly he is referred to below as L1, and in the design of the questionnaire, mechanisms were used to ensure the privacy of respondents.

After due consideration, it was decided to adopt L1's proposal for the following reasons. Firstly, there was no real need to interview him. His identity was not the subject of the investigation, and therefore follow-up questions designed to probe into details of his life-story would not have been appropriate or necessary. Secondly, responding by email would indeed give him the time to reflect or to check up on issues arising from the questions – time that he would not have had in an interview situation, and as Richman et al. (1999) have pointed out, emailed questions give the respondent the ability to backtrack in order to review or change previous answers. Thirdly, email questionnaire templates can be formatted to allow for instantaneous analysis.⁹⁶ Finally, as results of a study by Schaefer and Dillman (1998) indicate, email questions tend to elicit lengthy responses. In fact the study recorded a four-fold increase in the length of responses using electronic methods. Whilst a longer response does not necessarily signify a better or more substantial one, it may imply a greater degree of interest and commitment on the part of the respondent. L1 and the other four lawyers who later agreed to participate in this research appear to have given a considerable amount of thought to their responses, addressing all the questions and issues raised in a full and comprehensive manner, from which one may infer a significant level of diligence and commitment.

Once it had been decided that emailing questionnaires to lawyers would be the best way to proceed, discussion themes were compiled, formatted and sent to them (see Appendix 3, pp 316-319). They were asked to comment on the advice they had given to Muslim women who had

⁹⁶ <http://www.bigcsi.com/documents/Questionnaire%20Guidelines.pdf> Accessed 22/06/2009.

come to them with various marital problems, and on their perceptions of these women's awareness of their legal rights, both under the Shariah and under English Family Law. Their opinions were sought on whether legislation on veiling should be introduced. They were also invited to express their views on the introduction of more legal pluralism, involving recognition of the Shariah in matters of family law. Questions were phrased in such a way as to encourage discursive responses and there was no limit on the amount of space available. An indexing system was devised to facilitate analysis of the five completed questionnaires.

Like L1, the four other lawyers, referred to in this study as L2, L3, L4 and L5 respectively, agreed to complete the emailed questionnaires on condition of anonymity. All of them were experienced in acting on behalf of Muslim women (a minority of whom were of Arab ethnicity) in connection with family law issues, and they were all well-versed in both the Shariah and English Family Law. In return for their involvement in the research each of them requested a fee equivalent to that which would be charged for a client consultation lasting two, and in one case, three hours. Essentially they acted as paid consultants on the issues being investigated. All completed questionnaires were returned within three weeks. Analysis of the data that they contained complemented that gathered during the interviews, thus facilitating the achievement of the third aim of this investigation.

6.4 Analysis of the Data

Qualitative interview data analysis is a long and painstaking process, which involves iterative listening to recordings and reading of transcripts with a view to identifying, modifying and re-working the themes that emerge (Burgess 1982: 325). By listening to the recordings and scanning the transcripts repeatedly it was possible to define the categories that ultimately became

the main focus of the analysis (Gerson and Horowitz 2002: 217). Like the gathering of qualitative data, its interpretation is, as Denzin has argued, 'an art; it is not formulaic or mechanical' (2000: 317). Nonetheless, it was still necessary to analyse the data rigorously, teasing out the significance of what was said and searching for evidence of patterns that could be exploited so that a coherent research structure emerged. Data from the lawyers' questionnaires also had to be incorporated into this structure. This involved moving back and forth between the two sets of data, as well as constantly referring to the aims of the research in order to solve the 'intellectual puzzle' lying at the heart of the study (Mason 1996: 120). McCracken's five-stage model for data analysis (1988: 42) proved useful, if excessively mechanical, and is presented in modified form below in acknowledgement of its value:

1. Treat each utterance in its own terms, ignoring its relationship to other aspects of the text, in order to create an observation.
2. Develop each observation in its own right, then with reference to other evidence in the transcript, and then with reference to the analytical and cultural categories.
3. Examine the interconnection of the observations, again with reference to the analytic and cultural categories.
4. Subject the observations to collective scrutiny in order to determine patterns of intertheme consistency and contradiction.
5. Subject these patterns and themes to a final process of analysis prior to their presentation in a thesis.

It has been possible to draw a thematic distinction between aspects of participants' identity that originated from their Arab Muslim heritage and modifications to it that have been made as a result of the positive and negative socio-cultural impacts of life in Great Britain. Influences shaping the former, including family, education (especially religious education) and Arab Muslim cultural norms are discussed in Chapter Seven. While decisions on whether to make identity changes with a view to acculturating and integrating into the host community are also touched upon in Chapter Seven, a fuller discussion of these appears in Chapter Eight, with its focus on the negotiation of identity. In both chapters, analytic categories discussed in earlier chapters have been referred to where relevant, thereby acknowledging the contribution to the investigation made not only by Islamic Studies scholars but also by experts in a number of other disciplines including sociology, ethnography and law. Also referred to are systematic, as opposed to ephemeral, idiosyncratic or episodic 'cultural categories and relationships that have not been considered by the scholarly literature' (McCracken, 1988: 33), but that have emerged as a result of this author's personal experience.

Data have emerged from an analysis of the interviews, conducted with a view to the achievement of the aims of the investigation that have dictated the methodology adopted from the outset of the pilot study onwards. Pilot interview questions, posed in order to find out if they would yield valuable responses when the time came to interview the main group of participants, actually produced some useful findings in their own right. These findings have been included where appropriate, and identified by a (P) after the respondent's name in order to make it clear at what stage of the investigative process they had been elicited. Both the pilot participants and those in the main group were encouraged to elaborate their responses and even to deviate from questions if their remarks promised to reveal relevant data. It is in this sense they became

genuine participants in the study rather than mere respondents. The extent to which their contributions were valuable varied considerably, as was evident at the time that the interviews took place. However, it became even more so during the process of analysis, with the result that some participants are quoted at length while the contributions of others are more modest. English translations of interviews conducted in Arabic did not always lend themselves well to direct quotation, and therefore some of them have been paraphrased.

The analytical process began with the collation of remarks on themes relevant to the aims of the study and proceeded as a system of coding the data evolved. Some of the data was relevant to more than one theme and some themes were better documented than others. Eventually a coherent narrative emerged and it was possible to arrange the themes in a cohesive manner, but there remained the challenge of grouping participants into clusters reflecting some of the identity traits that they shared with one another. In her study of London's Arab communities (2002) Nagel constructed three clusters into which she divided her informants, according to the strategies of assimilation that they had adopted (see pp 83-87). By analysing her interview data she uncovered three main response patterns indicating 'connections between immigrant characteristics, especially socio-economic status and generation, and particular sets of identities, social behaviours, social circles and forms of organizational participation.' (2002: 269)

Rather than apply Nagel's model of clustering to the data in this study, it was decided to devise an original model that would be more appropriate. Using participant level of education as a criterion for clustering was rejected, since nearly all of the participants had been or were still at university, nor were participants' national and/or regional origins a substantial basis for placing them into cohorts - no significant patterns emerged from the data. It had been expected that, given the wide variety of socio-economic backgrounds of the participants, an analysis of data

based on their class backgrounds would result in the emergence of a meaningful narrative, and indeed there was some evidence that socio-economic factors were relevant to the extent to which participants experienced Islamophobia in their contact with members of the host community, and to the form that such racism took. However the interview themes had not been conceptualised with the aim of undertaking a class-based analysis of the participants' identity and as a result the amount of data pertaining to their socio-economic status was limited. Eventually, as length of stay in Great Britain appeared to have had a significant effect on participants' identity they were divided into cohorts on this basis. Analysis revealed that those who had maintained contact with networks in their countries of origin were more concerned with events in that country than with events in Great Britain, especially if they regarded their residency as temporary. By contrast, second-generation migrants and those who had come to regard Great Britain as home were more concerned with their own status and identity as opposed to that of the people they had left behind. Eventually the criterion of arranging participants in clusters according to the extent to which they had integrated into the host community emerged as the most coherent and productive analytical approach. The application of terminology defining and distinguishing various modes of integration (see pp 83-87) helped in the construction of these clusters, which are listed below:

- Cluster A – Most integrated participants
- Cluster B – Cultural pluralists
- Cluster C – Cultural pluralists born and/or raised here
- Cluster D – Marginalised participants
- Cluster E – Acculturating participants

The women within each cluster generally had much in common not only in their attitudes towards integration, but also in their religious attitudes and values. Cluster A participants tended to be secular and anti-radical in outlook, whereas participants in Clusters C, D and E could broadly be classified as moderate conservatives. However, no such discernable pattern emerged in Cluster B, which comprised both secularists and conservatives. While none of the participants appeared to support radical or fundamentalist interpretations of Islam, the opinion of Ramadan (2004: 53) (see pp 99-100) that the West should be regarded as *dar al-shahada* was reflected in the view expressed by several participants from all clusters that they should behave in a way that would enhance the reputation of Islam here by behaving as ambassadors of their faith (see p 166). Furthermore, the concern of these participants about what the host community might think of their religion may help to explain their preparedness to take part in this research. As Roald observed:

A committed Muslim might agree to be studied or to be interviewed because s/he wants to give the 'real picture of Islam' in order to correct misunderstandings of Islam. (2001: 69)

The division of participants into clusters that distinguish patterns of participants' identity adaptation according to their mode of integration was particularly relevant to the achievement of the second aim of this investigation – finding out how participants think that their identity has changed since their arrival here, how they compare themselves to other women resident here and it is discussed fully in Chapter 8 in the context of negotiation with the host community. By contrast Chapter 7 is concerned principally with the achievement of the first aim – participants' perceptions of the core elements of their identity. There is inevitably a degree of overlap between the themes investigated in these two chapters, and this was taken into account during the data

evaluation process with a view to the avoidance of repetition and the enhancement of overall structural coherence.

Views of participants on family law matters and the issue of veiling are discussed in Chapter 9. Several participants, either in the context of their own experience or in the context of that of a relative, commented on the fact that Islamic marriages are not recognised here. Expansive comments on divorce were articulated by three participants with experience of the divorce procedure in English courts. They provided an original and personal slant on the legal perspective of this study, but they are not sufficiently conversant with the law to present a serious contribution to the discussion of the themes addressed in Chapter 5, or indeed to the achievement of the third aim of this study. Thanks to the participation of the lawyers, however, who, in their questionnaire responses, were able to apply their expertise to, and voice their considered opinions on, the issues lending a professional legal perspective to this investigation, it has been possible in to do justice to these themes, and thus to the third aim of this study.

Having evaluated all the empirical data and presented it in the three chapters that follow, conclusions have been drawn in the final chapter (Chapter 10), which synthesises the salient points in this investigation and emphasizes its original contribution to the field of multi-disciplinary research in general and to Islamic Studies research in particular, thereby not only putting the entire study into a broader perspective, but also pointing the way to future investigations that researchers might wish to undertake in order to further enrich our understanding of the themes discussed here and others that are related to them.

Chapter 7

Identity of Self

I think as you grow older ... you start identifying yourself more so with your culture and Arab friends, because the gap becomes ... bigger, when you are with English people. Dawsar (aged 26 when interviewed)

7.1 First Impressions

When one meets somebody for the first time, questions concerning presentation of self are highly significant – questions about what to conceal or reveal about one's ethnic, religious and socio-economic identity to new acquaintances. Apart from the two participants from Sudan, whose colourful headscarves were suggestive of their culture, none of the women gave away much about their national or regional origins from their attire. However, but half⁹⁷ of them wore hijab, covering their arms, legs, necks and hair, thereby identifying themselves as Muslims to anybody with an elementary awareness of Islamic dress requirements. During questioning it transpired that the hijab wearing participants were, not surprisingly perhaps, more fastidious than the others in their religious observance. There also seemed to be a correlation between participants' decisions about dress and the number of years they had lived here, with relatively recent arrivals apparently being more likely to cover themselves. If this correlation were indicative of a wider trend among Muslim women here adapting their level or manner of covering over time in order to appear less conspicuous it would contradict a finding of the 2006 ICM poll (see p 81), namely that veiling is on the increase amongst Muslim women. However, it may be merely coincidental that participants who had lived in the West for less than five years were nearly all wearing hijab at the time of interview whereas longer-term residents who choose to cover their hair were in the

⁹⁷ Quantitative data are included here and elsewhere for informative and descriptive purposes. No claim is made regarding their statistical significance.

minority. Furthermore, there were participants who did not conform to this apparent pattern: Eman (P), who arrived here from Saudi Arabia in 2003, attended her interview without her hair covered, wearing a skirt under a long thick winter coat, and Fawzia, who had migrated here in 1990, had not worn hijab until her return from the *hajj* three years ago. Among others who said or implied that they had started dressing in a less overtly Muslim way since taking up residence in Great Britain some still wore hijab but had made compromises. Jawahir, for example, had started wearing outer garments made of coloured instead of black material since her recent arrival here. Participants who were not in hijab generally dressed expensively or at least fashionably and smartly, thus indicating something of their class and employment, but again there were exceptions. For example, Muna was dressed so casually that she gave no clues about her occupation as a cultural advisor informing expatriate employees recruited to work in Saudi Arabia about religious and cultural practices in the kingdom.

Participants were generally pleasant throughout their interviews, and their facial expressions and hand gestures were indicative of a positive and co-operative attitude, though some appeared nervous initially. This may in part be explained by their feeling of uncertainty about their status at interview and how this would affect their role, in terms of what they said and how they said it. It is also possible that some of them, particularly those from a low socio-economic background, were taken aback by the unfamiliarity of their surroundings, or what they perceived to be the luxuriousness of the interview venue. It was necessary to reassure these participants before the start of their interviews. Once they had accepted that it would not be necessary to behave deferentially they were able to start to relax. However, by no means all the participants displayed signs of trepidation. Several had an air of confidence about them from the start, and needed no encouragement before proceeding to discuss aspects of their personal lives

quite openly, or to provide knowledgeable and thoughtful insights into the themes under discussion.

7.2 Roots: Ethnicity, Nationality and Family

Participants most commonly reported their ethnicity and religion as being the most significant variables in their identity, with country of origin nationality and employment also being important to many. The dual-nationality holders did not appear to regard their British (in one case Swedish) citizenship as central to their identity. Muttia, for example, claimed that she still feels more Egyptian than British after 21 years here: 'I got British passport, British nationality, but you still feel you're not ... 100 per cent British.' On the other hand, Ghada, a resident of ten years in the process of applying for British citizenship, was expecting to feel more secure here once it had been granted:

I am sure ... that I will get my British passport and then I can feel that I have the right to be in this country ... not just a visitor!

That ethnicity or Arab nationality have retained such significance to many of the participants who have been living here for decades, virtually all their lives in some cases, may be an indication that they, like Nagel's participants (see pp 92-95), have either not been able to or have not wanted to assimilate fully with the host community, preferring to integrate into British society only partially, while maintaining their cultural and religious differences privately.⁹⁸ This preference will be discussed in Chapter Eight. Given the importance attached by so many participants – both long-term residents and recent arrivals, to their ethnicity or Arab nationality it

⁹⁸ Cf. Anwar's distinction between subjective and objective integration, discussed on p 76.

seemed appropriate to ascertain whether they were active members of Arab or national organisations. Most of the pilot participants were members of Birmingham University Arab Society. Several participants of Palestinian origin were members of organisations concerned about the status of their homeland; of the Lebanese participants two were involved with an Arab charity and one with an Arab professional society; the Sudanese participants were involved with Sudanese opposition groups; and one participant was a member of the Syrian society. Through their involvement in the work of such organisations participants were able not only to express their commitment to common goals shared by others of the same ethnicity or nationality, but also to keep in touch with their cultural and religious roots. Several of the other participants described themselves as inactive or former members of Arab organisations, typically citing pressures of child care, business or employment as reasons why they were no longer involved.

The importance of employment to the identity of many participants is discussed in Chapter Eight (pp 185-190) in connection with their relationship with members of the wider British community, but it may be mentioned here that dissatisfaction with employment opportunities and restrictions in the Arab world impelled at least two participants to migrate:

There was not ... enough opportunity for me to follow my career back home [in Lebanon]. Hanan

When I applied for my job [in Saudi Arabia] ... I needed my dad's signature.

When and where in Islam does it say I needed permission to work? Muna

Relatively few participants cited family or gender as their most important identity variable, possibly because they thought that they would be stating the obvious had they done so. However, gender-specific family relationships were mentioned by several participants once they

had defined their superordinate identity variables – ethnicity, nationality and religion, and when they were asked who or what had been the most significant influence on the development of their identity, not one respondent mentioned ethnicity, nationality or employment. Only one, Majdah, mentioned religion, saying that it was inseparable from family as an influence. Relationships with members of their families, particularly their mothers, emerged as by far the most important influences on their identity. Altogether, 21 participants ranked their mother, or their father and mother, as either the most or the second most significant influence. Whether or not this high degree of consensus can be attributed to the religious and cultural heritage of the participants is a question that would best be addressed by undertaking cross-cultural research. However, it would seem likely that the perceived importance of the role of participants' mothers is attributable to the key contribution that they made to their daughters' education. Indeed, this factor was mentioned explicitly by Ghada, Hanan and Jawahir. It can also be inferred from the absence of critical or negative remarks made about their parents that participants regarded them with respect. For example, when Dalya mentioned how strict her parents were, not allowing her to go 'partying' when she was a university student, she did so without making any value judgments about their protective behaviour. Moreover, the fact that mothers-in-law of married participants also escaped censure confirmed my experience of relationships between contemporary Saudi women and their mothers-in-law, which are generally characterised by mutual respect, totally unlike those whom Memissi encountered in her study of Moroccan society (see pp 68-69).

Participants' parents were not the only family members perceived to have been influential – siblings and more distant relatives were also mentioned by several participants. Ghada reported that she missed her contact with extended family members – her visits to their homes and their picnics together, as did Zubeidah. Asma felt that her life would have been much easier in Egypt

where her brother, who has special needs, would have had extended family support, which would have lightened the burden of care on her shoulders. On the other hand Majdah, who lives alone with her disabled adult son, was grateful for the amount of community support available to her in Great Britain without mentioning the absence of extended family support, and Sulafa seemed happy to be far away from her relatives. She enjoys living by herself, something she could never have done back in Syria.

Friends and other non-family members were mentioned as significant influences by relatively few participants and those who were cited, such as secondary school teachers, were seen as less influential than family members. Wafa was an exception in this respect. While still at school in Yemen, she decided to start mixing with boys at the age of 13 or 14, thus adopting a Western cultural base pattern (see pp 19-20, p 75, p 83 and p 90) while living in an Arab country. Despite the fact that she was told that her reputation would suffer, she thought that her 'own freedom as a person' was more important and she now believes that her decision has had more influence on her subsequent development than anything or anyone else.

During the analysis of the findings from the pilot phase of the investigation it became apparent that there was insufficient data on the historical roots of their families and their contemporary identity. Therefore at the 2006 interviews it was decided to ask participants how much they knew about their family history and how important it was to them. It was thought that genealogical awareness may consolidate feelings of belonging to a wider community - a clan, a nation or the *umma*. Participants originating from a number of different Arab countries considered knowledge of family history to be important in shaping their identity, especially, though not exclusively those who had migrated here on account of life-threatening political or

military conflicts such as those that have afflicted Palestine, Lebanon, Iraq and Sudan. For example, Fawzia stated:

Uh, I'm really interested, particularly in Palestine. We are Palestinians from Jaffa.

Of course, I hear my family telling me about it. I would like to go there because it's the country of my family and my ancestors.

Similarly the two Sudanese refugee participants valued their knowledge of family history as a means of connecting with their roots. Majdah explained:

I know my family history very well. We were originally from an eastern tribe originally from northern Sudan and all our roots are in northern Sudan. Nearly my whole family knows each other because they marry each other.

Several participants from various countries reported that they are married to their cousins (see pp 67-68), as indeed is this writer. Others emphasised the importance of passing knowledge of family history on to their children as a matter of pride, and even claimed to be able to trace their roots back to the Prophet (p.b.u.H.). Several appeared to have extensive knowledge of their genealogies. Such knowledge is inalienable, and while it may have little relevance to the everyday lives of Arab migrants here, the fact that it has been remembered indicates that it is perceived to be a significant component of the identity of self, important both to themselves and to their children. However, not all the participants took this view. Reem and Noor qualified their perceptions of the importance of their family history. Reem stated that it helped her understand her relatives and Noor said that she found it interesting, but neither of them considered it important as a determinant of personal identity. Sulafa was more dismissive of its importance, stating that neither family history nor ethnicity are important, and Rania had a similar view,

saying that some Arabs are obsessed by their family history. Their views, which may be a reflection of a desire to become detached from their roots, as opposed to an accurate assessment of the influence of their family history on their identity, are also reflected in their choice of close friends. Neither Sulafa nor Rania claimed to take the ethnic background of people into consideration when making friendships and they were not alone in this respect. A number of participants expressed similar attitudes, emphasising the importance of the personal qualities and beliefs of their friends. However, most of them stated that their closest friends were Arabs, without specifying nationality of origin or religion. Dawsar's comment about cultural affinity to other Arabs, quoted at the beginning of this chapter, was echoed by others including Hanan:

I think we choose people to be our friends ... because of what have they in common with us, so I think that it is important for me to have friends that they can understand me and that I can understand them of course too and...to understand me...to understand what is my what do you call – 'mindset'.

Her observation about the importance of friends having mutual understanding raises the issue of the importance of the Arabic language to participants' identity. Many participants requested that their interviews be conducted in Arabic. Nearly all of them speak some Arabic at home, and some confided that they use no English at home whatsoever.⁹⁹ The married participants with older children had either sent them to Arabic classes in Great Britain or had them educated in Arabic-medium schools in their countries of origin. Those with younger children also saw bilingualism as an important goal. Moreover unmarried participants said they wanted to ensure that their future children would learn Arabic. These findings would indicate

⁹⁹ This writer still finds that not only can Arabic be more expressive of emotions than English, but it can also convey the essence of certain situations more succinctly than English.

that generally Arabic has continued to be the preferred language of communication among family members, that it is still used widely in their social discourse, and that knowledge of not only the spoken but also the written form of the language is highly valued.

7.3 Roots: Islam

Not only is Arabic the language of the founding discourses of Islam, but traditionally, literacy in and knowledge of Arabic have been promulgated through learning how to read the Koran and Hadith. The desire to perpetuate this tradition was reported by many participants, for whom linguistic and religious identity are interwoven. Thus there was a broad consensus about the importance of educating children in these aspects of their identity. However, there were a few participants who were not so keen on their children receiving instruction in Islam. Eqbal stated that if she were to have children she would want to ensure that they did not receive instruction from Islamic fundamentalists with an agenda aimed at alienating their students by turning them against the values of the host community, and Fawzia reported being dissatisfied with the religious instruction that her children had received from Islamic radicals of Pakistani origin who could not speak Arabic properly. Alia¹ had sent her children to study Arabic at Saturday school 'to understand the language and to be able to communicate with the family' but she had not sent them to Islamic classes:

We discussed religion as a philosophy ... not as something we have to practise, just the idea ... and I tried to show them that Islam is similar to other religions, maybe different in practice but the philosophy and idea is the same, all the same in the end, and that helped them. At the beginning they didn't feel they are

different from their friends. ... I don't practise Islam but what I feel is that Western society must know that Islam as a religion is not different as concerns values to any other religion.

By emphasising what Islam has in common with other religions Alia¹ felt she could best perform the role of ambassador of her faith. She was one of several participants, including Dalya, Nawal and Hanan, who admitted that they did not regularly perform '*ibadat*' (see p 59, p 65 and p 77). Bari'a, another of the more secular participants, talked about the importance of values such as honesty and sincerity, a sense of morality and usefulness to society, while Wafa believed that although she does not observe the Islamic commandments she is in touch with God: 'This God thingy or belief, it's more spiritual than religion.'

Others mentioned that they tried to be good and avoid sinfulness, from which it may be inferred that they attempt to behave as Muslims ought to in their *mu'alamat* (see p 60), their dealings with other people. Dawsar and Sulafa also regard themselves as spiritual people, but unlike Wafa and Rania they gave the impression of feeling guilty about not fulfilling their prayer and fasting obligations and said that they hoped to become more devout in the future.

Hanan stated that the extent to which she fulfilled her religious obligations had not altered as a result of migrating to Great Britain from Lebanon. In this regard she is typical of those who professed their adherence to '*ibadat*', few of whom reported that their patterns of religious observance have changed as a result of migrating, although Jawahir and Asma felt that the performance of religious obligations is more difficult here than in their countries of origin. Asma stated that when Ramadan falls in the summer fasting in Great Britain is harder than it would be in Egypt. With regard to facilities for Islamic religious observance, most participants agreed with Reem that 'you can live here as a Muslim quite comfortably.' Muttia was of the opinion that labelling of *halal* meat

products in supermarkets had actually improved over the past five years. However, Meisoona made the point that there ought to be more information available to Muslims on flights and in restaurants so that they can be sure that the meals they order are *halal*.

Nearly all participants gave the impression that their faith is a private matter for them, irrespective of how devout they are in their observance. Moreover their attitude towards their faith was often characterised by an unwillingness to follow the legal interpretations of jurists or '*ulama*' (see p 46, p 57, p 65, p 103, p 106 and p 112) and a preference for a direct relationship with God through reading the founding discourses. As they talked about the Shariah some of them revealed how much freedom they feel they have to express their own interpretations, instead of relying on the interpretations of others. Arguably there is a correlation between the extent to which they are prepared to analyse the literal meaning of the founding discourses and their propensity to choose Western cultural values (see pp 19-20, p 75, p 83 and p 90). Amongst those who expressed such a propensity was Dalya:

I think ... that religion is a way of life and just to follow it ... blindly without trying to integrate it with your daily life is wrong. ... [One should be] be flexible - follow the times definitely.

Similarly Bari'a, though admitting that she is 'not very good on these things', expressed the view that the Koran is 'very open minded so I would go definitely with open mind ... adapting it to the life that we live in because it is reality, isn't it?' Nawal's opinion on the matter was that our interpretation of the founding discourses 'should be more moderate because the world is changing', Rania agreed, stating: 'I think a religion as strong as Islam can and should

adapt,' and Sulafa thought that 'the Shariah has to be open to interpretation ... There are so many cases where you need to come up with something new.'

Lyna was ambivalent about whether the Shariah should change with the times. She wanted to accept the literal meaning of the founding discourses but somewhat surprisingly she looked to a non-Islamic culture – that of the Japanese, as a role model for Arab Muslims.

No I don't like interpretation in any sort of way. ... I prefer the way [of] the Koran and Sunna. ... The only thing I object [to] about our religion is that it does not move with time. ... I think that there are now new laws that could be implemented. ... You have to move on. I went to Japan and they are really in the twenty-first century but ... they are law abiding. They are good to people. They are very respectful and I look up at them, and this is what I want ... [for] our own people.

Several participants expressed their mistrust of the motives behind some contemporary clerics' interpretation of the founding discourses. For example, Jawahir stated:

The problem [is] anyone who is just reading one or two books - he will try to undertake [an interpretation]. That's why most of the [legal] decisions should come from a well-known source.

Muna suspected that there is a tendency among clerics to use interpretation as a means to become more powerful:

We should go back to the Koran and read it and agree on how we interpret it. ...

You can do that by historical study. ... I think we should take it ... [at] face value,

but I think ... as long as people desiring power [try to achieve it] by adapting or by interpreting ... we are not going to get there.

Likewise Zeinab was of the opinion that conflicting scholarly interpretation of the founding discourses has a divisive effect on the *umma*: 'Interpretation is important but that's when all the trouble starts, isn't it? ... When people start disagreeing about the proper meaning ...' Eqbal agreed with her. She thought that the incorporation of elements of *fiqh* into the Shariah 'would be the ideal option ... but because there is ... insufficient agreement ... amongst the clerics and the scholars ... this is where the problem begins to get serious.' Aisha too was wary of accepting scholars' interpretations of the Shariah:

Ordinary Muslims like myself feel ... obligated to act upon the mandate of ... the legal verses ... so it's very, very important ... that we get them right... and I think there's a great big risk in getting them right through interpretation and ... a lot of these interpretations are not... in fact all of them are [not] divine. It's only Shariah that is the word of God.

She was by no means the only respondent whose opinion concurred with that of the present writer (see pp 21-22) - that the Shariah has been revealed only in the founding discourses. Alia1 also stated that she did not think Islamic law should be defined by 'sheikhs who give *fatawa* ... The great thing about Islam is that it's apt for all times and places if we understand it [and] if we don't want to restrict it as some jurists do.' Dawsar did not have much faith in the ability of scholars to interpret the founding discourses either: 'The problem is that ... [scholars] are allowed to interpret the Koran ... Personally I think that is wrong.' Several other participants also expressed a lack of confidence in the interpretative skills of scholars:

Can we still say ... that we are following the laws which God sent to us if people are ... changing these laws through the interpretations and what they may put in? I am not so sure ... Scholars ... know very well the Koran ... but we cannot say that they are chosen by God to change the Koran ... So I think that Shariah must be based on the founding discourse[s] ... because only these contain the words of the Prophet. Zubeidah

Some [clerics] ... want to ... make the Shariah ... fit a political agenda ... For example what should be the role of women in society ... This is where the big problems in Islam today ... begin - ... different interpretation and the different school[s] ... Maybe it is better ... if Shariah is based on the founding discourses with no interpretation – no *fiqh* ... There can be ... modification like the principle of '*urf*' and so on but we cannot say that this is Shariah. Ghada

We cannot change the scripts which ... are ... divine in origin ... Anything else ... is not Shariah. Laws after the time of the Prophet can be derived through *tajdid* ... [in]novation ... and through analogy, where the law must consider the rule of public interest ... *maslaha* ... and through other means. But the founding discourses ... we cannot touch these. Hanan

Khadijeh reported that while she was prepared to listen to clerics' interpretations of the founding discourses she would not necessarily be persuaded by their legal arguments. 'I like listening to all of them and then choosing what I think is best because I feel that I'm going to be the one responsible for myself on the Day of Judgment.' However, this position was unacceptable to Alia2, who argued that although Islam opened the door to *ijtihad* a long time ago

there has to be consensus over interpretation among Muslims: individuals cannot follow their own *ijtihad*.

Khadija stated that she accepts the Koran and Sunna as the true sources of the Shariah and argued that the *madhahib* had caused divisions in the *umma* but she also believed that *ijtihad* plays a very important role in determining how legal precedents should be interpreted. Noor argued that while her legal perspective was based on the Hanafi *madhhab* (see p 66) Islamic law should not be regarded as immutable:

We follow the Hanafi *madhhab* and this has influenced me from a young age [so I believe] that the interpretation of the early Islamic laws should be from the Hanafi school ... but ... in modern circumstances you must also think again about some laws.

Similarly Reem argued in favour of the development of new laws as well as adherence to those in the founding discourses:

Obviously there are many areas of ... human existence, which has changed over the last fourteen, fifteen hundred years. And ... therefore ... they are not all covered by the founding discourses and new laws have had to be developed to ... deal with such ... issues. ... [The opinions of eminent scholars] may or may not be relevant today in my opinion. Some of them are obviously very well thought out and ... they can be ... part ... of the body of the law. Others may need ... to be ... revisited in the light of ... historical circumstances and ... may need some amendments. They should not actually be set in stone.

There also emerged an awareness of the problem of the absence of a single body in Great Britain recognised by all Muslim residents here with the authority to interpret the Shariah. Two participants acknowledged that there was a basic lack of consensus on legal issues:

First we would have to agree on which laws and which Muslim beliefs and practices and ... this would be difficult ... so we have this ... complication from the start. Hanan

There's the problem ... about the interpretation and ... there's no interpretation that all Muslims can agree on so ... it just wouldn't be possible. Zeinab

The overall impression gained from these perspectives is that participants ardently wish to live their lives in accordance with the spiritual ethos of Islam as revealed in the founding discourses, and that it is by reading the sacred texts that they can best fulfil their wishes. Only a few participants had joined Islamic societies, in contrast to the significant number who were members of ethnic or national organisations, and of those who had, only Aisha reported that becoming a member had had an impact on her religious identity:

The Muslim Women's Group at Manchester University ... It made me understand ... what integration meant, really. But to integrate I didn't have to, um, assimilate, you know, that there was actually [a] role, for Muslim women, here in British society.

While participants were willing to discuss their religious beliefs at length for most of them religious identity seemed to be a private and personal area. In this sense it may be separated from and indeed contrasted to their ethnic Arab identity, which is more important to them as a basis for their social networking. This comes across particularly in their attitude towards non-

Arab Muslims, or more specifically, those of South Asian origin (see p 23, pp 80-82 and pp 103-105). Few specifically mentioned having close South Asian friends and the following observations about South Asians suggest that adhering to the same faith does not necessarily lead to social bonding or identification:

I can't say I identify with a Muslim woman from Pakistan or India more than I identify with a woman of British origin. Bari'a

I guess that the [South Asian] ones I know or the ones that I see about, they give me the impression that they would rather be friends with their own kind. Eqbal

The Pakistani people – most of them are Muslims – they are not following the [Islamic] principles. ... They are following their own traditions and I'm not familiar by the way with their traditions but it's just ... it's not accepting other people. Hiba (P)

The Muslim people who are in here like Indians and Pakistanis ... er ... after the 9/11, they try to differentiate and keep away from us, you know, like: 'I know we are not Arab but we are Muslim but it's different!' They keep away ... because they don't want someone to get them into trouble...¹⁰⁰ 'Maryam' (P)

These four quotations exemplify various ways in which Arab Muslim women perceive a cultural and political divide separating them from their South Asian Muslim sisters. However, one respondent was perceptive enough to identify two important respects in which all UK Muslim women residents are very similar:

¹⁰⁰Interviewed before the London Transport attacks of 7 July 2005.

Actually we have ... a lot in common [with South Asian Muslims] but sometimes I think we don't know it or we don't show it because of ... cultural differences. The similarities ... are hidden but they exist nonetheless. For example we are all ... suffering from the same ... vilification in the newspapers and other media and ... also the right wing of politics ... they want to send us back to where we came from ... Within our families we may ... have many similarities, for example ... in ... the sense that we do not normally ... choose ... life patterns for romantic reasons but rather there are contracts arranged for us by our families. So, these are very important similarities and yet because we have different cultural ... manifestations we seem to be different. Actually we're not so different. Reem

There is ample evidence to support Reem's comments about the attitude of the media (see pp 35-36) and right-wing politicians towards all Muslims, irrespective of ethnicity. What she is referring to is the possibility, also mentioned by Shareefa Fulat in her interview with the *Guardian* (see p 79), of Arab and South Asian Muslims bonding in their faith identity for political reasons. However, the socio-economic circumstances of many South Asian Muslim women, who have fewer opportunities to integrate into the workforce, are more likely to experience overt Islamophobia in their neighbourhoods and therefore to express feelings of alienation from mainstream society, feelings which reinforce both their religious and their ethnic identity, make such bonding more difficult (see p 154).

Reem's second point refers to the similarity between Arab and South Asian Muslim marriage practices. Such practices constitute just one of a number of customs indicative of a patriarchal cultural base pattern (see p 20 and p 74), shared by members of the two groups. Yet Reem is the only respondent who alluded to any of them, and to the possibility that Arab and

South Asian Muslim women might be able to relate to each other on the basis of shared cultural practices, instead of keeping their distance from each other on account of questionable or prejudiced perceptions such as those of Hiba (P) and 'Maryam' (P) quoted above.

7.4 Religion or Culture?

Several participants openly admitted that they had not always behaved in accordance with Islam while they were still living in the Arab world, where their actions could have led them into trouble, not only with their families but also with the civil authorities had they been caught. Others admitted to behaviour contrary to Islam in this country, which had led to family conflict in some cases. The perceived transgressions (committed here and elsewhere) included disobeying parents, dressing immodestly, having boyfriends, falling in love with and subsequently marrying a married man (after he had divorced his previous wife), being treated for drunkenness in hospital and having a platonic friendship with a lesbian. None of the participants attributed their behaviour directly to Western influence, nor did they speak of adopting a Western cultural base pattern (see pp 19-20, p 75, p 83 and p 90), although admiration of Western tolerance was expressed by a number of participants, including some of those whose transgressions of Islamic morality have been listed above.

Far more common than reports of deviations from the Shariah were instances of participants questioning or rejecting patriarchal interpretations of Islamic law that they see as inequitable towards women. It may be recalled that several of the women whose views were reported in the *Guardian* and the *Muslim News* (see p 89 and p 94) also stressed the need to differentiate between Islam on the one hand and cultural traditions without any Islamic

foundation that are against the interests of Muslim women on the other. Here are some examples of similar opinions expressed by participants in this study:

Men normally make it sound like God considers woman as inferior to men and they quote verses ... very obviously misinterpreted. ... I mean God treats man and woman the same way ... [in matters of] sin ... but society doesn't. So for a woman to go out with someone is a big, big crime but for a man to sleep around is all right. Sulafa

It is not religious but basically culture. ... It's like the idea that man is much better than women. They can accomplish things that we cannot accomplish. The priority for everything is always ... for the men and not for the women. Jawahir

There is nothing in the Koran – nothing which ... I can understand that the woman has to have the inferior place in the society and also I can argue that many of the laws ... which they give the woman the inferior place...these are from culture not from Islam. Ghada

[Islam] has to ... be flexible. ... However, the traditional interpretation of the Koran is not flexible ... Not only that but ... if you use Islam as a notion of power, then you take the notion of faith out of it ... Muna

I can be ... critical of my culture. The women serve the biggest portion to the man and the first portion. The mother always is last. This I don't like! I don't like anything which makes the woman not equal to the man. This is in our culture only, not in our religion! Zubeidah

Khadijeh, Nawal, Lyna, Reem and Alia2 were also critical in some way of interpretations of Islam that are widely accepted as norms in Arab countries, both those that are discriminatory against women and those that focus on ritual observance rather than wider moral or spiritual issues. Roald (2001:86) believes that Muslim women who have adopted a hermeneutic attitude towards religious and cultural norms may have done so as a result of the influence of their Western education and their exposure to feminist doctrine, just as Alghamdi believes that the Saudi Arabian educational system militates against the development of the ability to take a critical attitude towards Arab Muslim society and culture (see pp 47-48). However, in this study, participants, including recent arrivals such as Jawahir and the Alia2, indicated that they had developed such an attitude before they arrived in Great Britain and that they had been capable of taking a critical view of both contemporary Arab cultural norms and the interpretations of the founding discourses on which these norms are based, while still living in the Arab world. The increase in the number of university places available for women in their countries of origin, affording greater opportunity for intellectual discourse, is likely to have made them more inclined to question the cultural norms of their societies than previous generations had been, even if they are not encouraged to do so by the educational authorities. In addition, internet access has also given them the potential to broaden their range of cultural perspectives (see pp 43-45).

With regard to polygyny, many participants disputed the way in which men have interpreted the conditions under which it is permissible for them to take more than one wife ¹⁰¹, putting forward arguments based on the founding discourses to support their views. For example, Reem, Khadijeh and Lyna all argued that it is virtually impossible for a man to fulfil the

¹⁰¹ Koran 4.3.

condition that all wives should be treated equally, while Jawahir claimed that the practice of men who take second wives simply because they are younger and more physically attractive is against Islam. Hanan, Majdah and Muttia, influenced perhaps by Hanafite rulings on polygyny (see p 66) argued that husbands should consult existing wives before entering into additional marriage contracts. Several other participants made the practical objection that nowadays the vast majority of men cannot provide adequate support for more than one wife. Dawsar and Zeinab stated that they believe that polygyny is outdated and Eqbal regarded it as unacceptable in the West. Wafa argued strongly against the practice, claiming that in polygynous marriages women are no different from prostitutes. On the other hand, others argued that one's view of polygyny should be contingent on the particular circumstances that a given family might face. For example Nawal, Muna, Jawahir, Hiba (P) and Khadija all thought that polygyny can provide a viable solution to a family's problems in cases where the first wife is infertile, and Sulafa suggested that for some women, becoming a second wife may be preferable to remaining single.

When they were asked how they would feel personally if their husbands or future husbands announced that they intended to take a second wife, many reacted strongly, saying either that they would find the situation impossible to tolerate, or that it would never happen to them because their husbands were not wealthy enough. However, three of the younger participants - two unmarried and one married, expressed concern that it might happen to them, being mindful of the fact that polygyny is quite common among their relatives. Alia's experience of polygyny in her family history had turned her against the practice: 'My grandfather married ... twice and we had a lot of problems in the family. That's why I don't believe in it.'

7.5 Monogamous Relationships

Nearly all participants regarded getting married and having children as an essential part of their religious and gender identity. Marriage to non-believers is forbidden to Muslims¹⁰², and none of the participants reported ever contemplating such a marriage. All the married and the divorced participants had married Arab Muslims of the same nationality as themselves, with the exception of Noor who had married and later divorced a British national who had converted from Christianity to Islam. The younger, single participants reported that they intended to get married and have children. Of the other two, Eqbal said that she might get married and Muna said that she probably would not. With regard to the ethnicity of their future husbands, some single participants stated that they would only consider marrying an Arab, whereas others reported that marriage to men of other ethnicities would be a possibility.

All of the married and divorced participants except Noor, and Jawahir, who was pregnant at the time of interview, had had at least one child. None of them reported having had children out of wedlock. Whether they were married, single or divorced, nearly all the participants who expressed their opinions on family planning were in favour. Support for contraception is not against Islam, as Sheikh Ahmad Kutty has explained:

[T]here is nothing in Islam that prohibits [birth control] so long as it is done consensually for valid reasons such as ... putting off pregnancy until such time when the spouses are in a better position to shoulder the responsibilities of parenting [or] to allow for space between pregnancies. (In Donohue and Esposito (Eds), 2007: 224)

¹⁰² Koran 2.221.

The gender of their children (born or unborn) was unimportant to all the participants except for Asma, who stated a preference for males. However, Eman, who had had one boy, stated that her husband wanted a second son, and Zubeidah reported that her husband's family had always hoped for male offspring. Also, Muneera and 'Maryam' reported that it is important in their culture to produce male children. Some participants reported that their husbands shared or had shared the responsibility of looking after the children with them if and when their work schedules allowed, while others (Bari'a and Lyna) had borne or were still bearing (Ghada and Eman (P)) the brunt of child care themselves.

Several of the participants who had married their cousins also mentioned the role of family members in arranging their marriages. For example, Reem's aunt brought her prospective husband to her house to introduce him to her, Ghada's marriage contract was agreed upon by her father and father-in-law and Majdah married a relative whom she had not known previously. By contrast Bari'a, Wafa, Muttia and Khadija all described their marriages as love matches. Some unmarried participants claimed to be aware that their family members were making arrangements for their marriages.

The husbands of the married participants would perhaps be disappointed to learn that only one, Lyna's husband of forty years' standing, was reported to have had a significant influence on his wife's identity. It may be inferred from this finding that Arab men's authority over their wives is by no means absolute, and other responses to prompts designed to elicit data on the balance of power within marital relationships provided further evidence for this. The idea of a husband imposing constraints on his wife's behaviour was unanimously opposed by all participants, married, single or divorced, and one of the reasons for Wafa's divorce was her ex-husband's imposition of constraints on her behaviour. Aisha, Ghada and Zubeidah were all of the

opinion that in a trusting relationship, there is no need for the imposition of constraints, and Reem explained that since Islam provides behavioural guidance for married couples, no such constraints are necessary:

We know how to behave in accordance with the principles of our religion. So, this is easy for us. It's not a contentious matter.

Secondly, decision making was reported to be a collaborative process by all the married participants except Khadija, who has adopted a policy of leaving all the decisions to her husband in order that her sons may be in no doubt about their parents' views. In some instances other family members were reported to be involved in decision making. Ghada and Fawzia still consult their parents about many family matters, while Lyna and her husband bring their children into discussions. There was little evidence suggesting that patriarchal control is the rule in Arab Muslim marriages. Moreover, three of the divorced participants reported that their spouses had assumed sole responsibility for decision making, and the fourth, Noor, recalled how making decisions had been a dysfunctional process. The narratives of these divorcees would suggest that Arab Muslim women expect to be consulted about family decisions and that if they are not, or if the consultation process is unsatisfactory, their marriages may become unstable.

If then one accepts that successful Arab Muslim marriages are not characterised by male domination, where does the myth of patriarchal authority come from? Is there a tendency for some wives to boost their husbands' opinions of their own importance? Apparently there is in Muttia's family where, although decision making is collaborative she lets her husband 'feel it is his decision'. Alia1 believes that it is in the nature of Arab men to believe they are in charge, and that her husband is typical:

As any other Arab man, of course he thinks he's the head in the family. This is just natural. He will never admit it but I think yes, in his behaviour – sometimes. And when I face him [with] this he is always saying, 'It's not true.' But I think it is.

If Alia1 is correct, one might expect Arab husbands to socialise with one another without their wives being present, so that they can informally discuss the challenges of family leadership man to man. Similarly, one might also expect their wives to feel more relaxed in the company of female friends, away from their 'senior' partners. However, no clear pattern confirming these expectations emerged. The four most recently married participants, Jawahir, Reem, Dalya and Dawsar reported that they and their husbands shared the same friends, as did Khadija, who described the Sudanese community in London as close-knit. Other participants stated that they and their husbands know and respect each other's friends but that they do not generally socialise together, on account of having different leisure-time or work-related interests. None of the married participants spoke of any male friends, though Bari'a and Eqbal (who is single) mentioned that they associate with their male colleagues.

With regard to shared activities, few participants mentioned any that are identifiable as peculiarly Arab or Muslim, although it is possible that they all, with the exceptions of Alia1 and Fawzia, omitted to mention spending time with their husbands or family members at the two annual Muslim festivals¹⁰³ because they did not wish to state the obvious. Khadija was the only one who stated that she and her husband pray together – it is not customary to do so in many parts of the Arab world. The most frequently mentioned shared activities were going to the park together and visiting relatives. Shopping together was only reported by the two most recently

¹⁰³ *'eid-al-fitr* at the end of Ramadan and *'eid-al-adha* at the end of *hajj*.

married participants, Jawahir and Reem. Other activities mentioned included internet browsing, visiting and entertaining friends, dining out, sporting pursuits and going on trips.

To conclude, analysis of the findings on participants' personal identity indicates the prevalence of some socio-cultural patterns. Preservation of knowledge of the Arabic language, both as a medium of everyday communication with family and friends, and as a tool essential in the interpretation of the founding discourses was widely regarded as essential to one's identity, although Islamic instruction classes were regarded by some with circumspection because of misgivings about the possibility of radical or patriarchal views being promulgated. A preference for attempting to achieve a personal interpretation of the founding discourses was widespread. It may be recalled that Barazangi has exhorted educated Muslim women to strive towards such a goal (see pp 45-46). On the other hand, there was also awareness that the unchecked exercise of *'ijtihad* has the potential for dividing the *umma* into factions, and some participants stressed the need for consensus in matters of interpretation. However, while not one participant denied the importance of religious consensus among Muslims, only one expressed any feelings of interethnic Muslim solidarity with women of the South Asian communities in Great Britain.

The practice of marrying, albeit monogamously, within one's nationality or in some cases, within one's extended family, seemed to have survived the impact of migration to Great Britain, although it would appear that arranged marriage contracts concluded as a result of negotiations in which prospective brides do not play any part are no longer the norm. Nevertheless, obedience to and respect for parents have continued to be of the highest importance, with many participants emphasising the seminal role their mothers had played in their education. In many cases extended family networks have continued to provide women with insurance against loneliness or financial difficulties. Within the institution of marriage

attitudinal patterns emerged, such as agreement on the need for joint decision making. Participants put paid to Hofmann's notion that that Arab Muslim men with 'macho-attitudes typical of oriental mentality' (see p 36) are dominant partners in their marital relationships with the power to remould the identity of their wives.

The wide range of personal opinions expressed by participants as they reflected on their personal identity has made any attempt to group them into clusters on the basis of shared characteristics or self-perceptions unfeasable. Nevertheless, analysis of qualitative data according to theme has resulted in the production of a smorgasbord of self-perceptions of identity traits that is rich and varied in all its details and nuances, and informed discussion of these has produced the substance of this chapter. It is through analysis of their attitudes towards integration with the host community that it has been possible to group participants into discernable clusters, as will become evident in the next chapter.

Chapter 8

Negotiation with the Host Community

In Britain you can choose your identity ... You can follow your heart. You can follow your religion. You can follow the fashion. You can follow anything. Noor

In this chapter the focus is on the changes in identity that participants have reported to have occurred as a result of their need to negotiate with the host community. In addition, the claims of those who consider that they fit in better in Great Britain than in their countries of origin are discussed, as are the claims of those who believe that no modifications to their customary behaviour have been necessary. On the one hand, participants with flexible and liberal attitudes that facilitate integration into the host society perceived that they have become more successful professionally as a result of better educational and employment opportunities, and more cosmopolitan as a result of their greater understanding and increased tolerance of Western culture. On the other hand, participants who have come to identify more strongly with Arab culture since their arrival, possibly as a way of insulating themselves from an environment perceived as hostile or alien (see p 84), have constructed or reinforced social barriers between themselves and members of the host community, although in some cases they have still managed to integrate objectively (see p 85) as employees or as students. Then there were also those who have had little experience of living anywhere other than Great Britain, having arrived here when they were very young or having been born here. Among them was British-born Zeinab, who stated that she still feels she is living in two worlds, one revolving around her family and the other dependent on her interaction with the host community.

8.1 The Identity and Values of the Host Community

The questionable validity of the term 'host community' was discussed in Chapter One (see pp 18-23). It was argued that it implies a homogeneous body that does not actually exist, and ignores the realities of differences such as class, ethnicity and religion, but that it is nevertheless a valuable term insofar as it encompasses what most of its members would regard as appropriate and normal in terms of values and identity. This section presents an overview of participants' views, both positive and negative, on these values and identity. Some of these views were expressed by a majority of participants, others by a significant minority. Positive views were frequently expressed in relative terms by participants who had experience of life in Arab countries, with which Great Britain tended to be compared favorably, while negative views were more commonly stated in absolute terms, having been formed either through direct observation of members of the host community or through exposure to the way the British media portrays the identity and values of both mainstream society and of minority communities in this country, specifically Arab Muslims.

Only Alia² had anything good to say about the British media, and she was comparing them to the American media. Generally, however, there was substantial agreement about the negative media presentation of Arabs and Muslims, which most participants find abhorrent, than about any other issue discussed at interview. Their comments confirm Poole's conclusion (2002: 259) that media patterns of representation cause Muslims to be 'predominantly excluded from Britishness'. Bari'a, a journalist herself, specifically censured the tabloids for their vilification of Arabs and Muslims, and Rania stated: 'Being an Arab equals being a terrorist: being a Muslim equals being a Muslim fundamentalist.' Several participants reported that they believed Jewish influence or British government support for Israel to be responsible for one-sided reporting, but

an equal number thought that Arab Muslims only had themselves to blame for failing to give the host community a more balanced and informed view of their identity by disseminating moderate Arab Muslim perspectives on terrorism and fundamentalism through media channels, instead of constantly making ‘incantatory and demonizing references ... to “this West that oppresses and hates us”’ (Ramadan, 2007: 475).

Many participants believed that the host community is so ill-informed about Arab Muslim identity that they are unable to distinguish between Arab and South Asian Muslims. Furthermore some reported that they had come across ignorant or misconceived ideas about Islam, although others considered the host community to be culturally aware of Muslim religious practices. There were also statements, especially from participants living in less affluent areas, about isolated incidents of host community members expressing religiously or racially offensive sentiments to them in the streets, both verbally and non-verbally. For example, two participants had experienced people shouting ‘Paki’ at them.¹⁰⁴ While the wealthier participants did not report any such overt abuse, some of them stated that they had been financially exploited by tradespersons and that they thought this was on account of their ethnicity. Disturbing though such occurrences must have been, not one participant reported planning to return to her country of origin on account of having been subjected to racially motivated hostility or financial exploitation by a member of the host community.

While only a few allegations of racist or anti-Muslim behaviour in workplaces or educational institutes were reported, many participants found the reserved disposition of their host community colleagues made socialising difficult. Several participants complained that the

¹⁰⁴ It was decided to include participants from a diverse range of class backgrounds in order to mitigate the tendency of researchers to concentrate on highly educated and upwardly mobile Muslims living in the West, a tendency identified by Peter (2006: 109). See p 72.

prevalence of alcohol consumption and the acceptability of extra-marital relationships also presented a social barrier for them. Physical displays of sexual attraction in public places, especially by immodestly dressed women, were perceived to be offensive, as was the exploitation of the female form for commercial purposes. Such negative perceptions of host community practices which are forbidden in Islam help to explain why even the most integrated participants prefer to adopt some degree of cultural pluralism, particularly in their social lives.

The multicultural nature of Great Britain's urban centres was emphasised as a positive by the majority of participants, who reported that there are no serious constraints imposed on their cultural and religious practices by the host community. Most participants reported that working and paying tax or studying in Great Britain was enough to make them feel that they are to some extent part of British society, although some stated that interaction with members of the host community presents difficulties. Despite these, several participants considered that Great Britain has afforded them opportunities in business, employment or study that would not have been available to them in their countries of origin. Ease of access to information was seen as significant in enhancing these opportunities.

Statements about how one can improve one's socio-economic position here, particularly as a woman, provided that one has the required skills, abilities and sense of responsibility indicated that the meritocratic (though nobody actually used the term) character of British society was regarded positively. A few participants also commented favorably on the absence of systemic corruption, and on the role of the state in opposing racist and sexist attitudes. Many reported that they value freedom of speech, freedom of movement, freedom of association and freedom to dress how they want. The perception of Great Britain as a tolerant society was often

expressed, as was the view that one becomes more tolerant, open-minded and respectful of difference oneself as a result of living here.

Yet paradoxically some of the characteristics of British identity that participants perceived as positive are responsible for outcomes regarded by them as negative, and *vice versa*. For example, freedom of speech and tolerance of all points of view were reported by many to be positive values, but media freedom to publish tendentious opinions that demonise ethnic and religious minorities was overwhelmingly considered negative; similarly while many participants stated that they enjoy the freedom to wear what they like in public here, many were offended by the sight of others, who in their opinion, take this freedom too far. Conversely, it may be argued that British reserve or aloofness, though identified as a negative identity trait, is nonetheless conducive to the development of multiculturalism in that it restrains members of the host community from publicly making disapproving remarks about cultural practices that are alien to them, and therefore it could equally be regarded as a positive trait. However, none of these paradoxes were articulated at interview, and therefore they are not, strictly speaking, relevant to the aims of this investigation. The following section focuses on the second of these aims, by examining various acculturation and integration strategies reported by participants.

8.2 Patterns of Integration

In Chapter Four it was argued that in multicultural Great Britain many migrants can and do adapt according to their social situation, typically conforming to mainstream norms in the public sphere and retaining their own cultural identity privately (see p 85). However, even in the private sphere of the nuclear family unit, mainstream values might impinge, particularly on gender

relations, with the result that communities that have upheld traditional values face challenges posed by Western ideas of gender equality that are being promoted all around them.

Also in Chapter Four, terms used by sociologists to define how and to what degree migrants from ethnic and religious minorities have blended into their adopted country of residence were discussed (see pp 83-87). Some participants have taken the opportunity afforded to them in Great Britain of disposing of cultural baggage by adapting their behaviour and modifying their identity in ways that would not have been permitted in their countries of origin, for example by going out dressed in Western fashions or by living alone. On the other hand, others have perceived life in Great Britain as dangerous and have therefore projected a less confident, less comfortable identity (see p 84).

In her 2002 study of London's Arab communities Nagel constructed three clusters of participants, based on the assimilation strategies they had adopted (see pp 92-96). The criteria for grouping the participants in this investigation into clusters reflecting the nature and extent of their integration into British society have already been presented (see pp 153-156). Terms that define the manner and extent to which migrants have integrated, by making cultural base pattern choices and modifying their identity according to their educational, professional, political or material aspirations were critical in helping to establish these criteria. Table 8.1 overleaf lists the names of all the participants in their clusters, in each of which participants generally had much in common with one another, though there were exceptions, particularly in Cluster D. Participants in that cluster presented identity characteristics that were quite dissimilar from one another's. However, they have been grouped together on account of their common desire to return to their countries of origin. In each of the following sub-sections there is an informed discussion of the

integration strategies that participants have pursued, and of their perceptions of the host community.

A Most Integrated Participants	B Cultural Pluralists	C Cultural Pluralists (Born and/or Raised in GB)	D Marginalised Participants	E Acculturating Participants
Bari'a Eqbal Lyna Meisoon Muna Rania Wafa	Alia1 Fawzia Ghada Hala (P) Hanan Muttia Nawal Sulafa Zubeidah	Aisha Dalya Dawsar Muneera (P) Zeinab	Asma Khadija Majdah Noor Reem	Alia2 Eman (P) Hiba (P) Jawahir Khadijeh 'Maryam' (P)

Table 8.1: Participant clusters based on their levels of integration (N = 32)

8.2A Most Integrated Participants

With the exception of Wafa, these women, all of whom had lived in the West for at least a decade when they were interviewed, reported having attained high levels of integration into the host community in their work, which clearly constituted an essential part of their identity. Their involvement in activities that are not restricted to their own ethnic or religious community has elevated both their self-esteem and their status with the wider community. Werbner (2000: 324) emphasised the positive effects of involvement in causes that are not only for the benefit of one’s own community in her article about Pakistani Muslim women in Manchester (see p 93). However, despite their long-term residence in the West, only Wafa appeared to want to assimilate totally in her social life, although it is questionable whether first-generation migrants

can actually achieve total social assimilation. For the others the cultural bonds of Arab family life have remained important to their identity. They have preserved it as something distinct from that of the cultural norms of the host community. While none of them is instantly recognizable as a Muslim from her attire, or unerringly pious in her religious observance, only Wafa reported having questioned the basic tenets of her faith. Thus, for the others, their ethnicity and religion, the twin foundations of their identity, have formed a base from which they have been able to advance their careers, having become fluent in English and having built up the knowledge and skills needed for success in their chosen fields. However, their success would not have been possible had they not established a workable balance between their career aspirations and their family responsibilities, a balance that would have been far more difficult to achieve in their countries of origin, where management of the domestic roles that women are expected to perform would have demanded so much more of their time and energy. Their comments on their social identity are recorded in the paragraphs that follow.

Bari'a has established herself as a distinguished journalist here. She had never been 'a traditional Muslim girl really' even as a young child. Her ambition to pursue a career that was dominated by men led to her challenging Lebanese cultural norms. She reported feeling freer to dress as she likes in Great Britain than in Lebanon. 'When I am working, I'm usually dressed in a very nice way but rather conservative ... a suit.' She does not feel comfortable with women who cover up, and is critical of Lebanese and other Arabs and Muslims who have chosen to live isolated from the host community:

I used to live in Rutland Court ... and the whole Rutland Court area was all Lebanese, Lebanese ... So I think yes there is a need to change this, there is a need of us communicating with others, explaining who we are, be proud of who

we are but also at the same time accepting who they are ... I'm afraid to say that the Muslims and Arabs do not do enough to help themselves.

Her principal involvement with members of the host community is in connection with her work as a journalist and charity worker. She has more time here to devote to her work and to think about herself here than she would have in Lebanon because there are no pressures on her to devote time to her extended family. She stated that she feels she is part of a professional elite with whom she has a relationship that would be impossible with male Arab journalists: 'I can't make relationship with an Arab journalist as friends! He would not understand it.'

She reported that she often needs to explain that she is an Arab to British or international associates, for example when she has invited them to a restaurant. She has to explain to them that it is common in Lebanon for the person who proffers an invitation to pay the bill, or they would not understand why she insists on doing so. 'I do stress my culture but now I'm doing it less ... because I'm feeling more and more, all the time, more global.' Recently, a BBC2 producer who knew that she is Lebanese made the assumption that she is a Maronite or a Roman Catholic. He thought she was joking when she told him she is a Muslim. His assumption upset her because she did not like being stereotyped. Perhaps this is the price one has to pay for adopting a non-traditional interpretation of Islam, although she would not see it this way. For her, her commitment to Islam should be apparent from her character:

By being who I am, the honest, sincere, truthful person, by exercising good morality in my life ... by contributing to society, by talking to people, explaining to them my attitude towards them. It is [in] the day-to-day life that we need to show people who we are and what we are.

Eqbal, a franchise owner and financial consultant, also admitted that her career, lifestyle and dress choices (smart business suits) constitute a departure from Arab Muslim norms. She has never felt that her ethnicity or religion has prevented her from forming friendships or professional relationships.

Not at all - I mean it's ... part of our religion that we ... befriend all people ... Well I suppose dressing as I do and doing what I do - I work with men. I drink alcohol occasionally ... Also I live alone. I suppose, to many of the more traditional Arabs this might be seen as a kind of rebellion but I've never rebelled in an open way, no, no ... I can study ... freely what I like and ... I think that I've become successful in business ... because I live in a country which ... promotes that kind of success for women ... I work here ... I do everything that people who have always lived here for generations do. Yes, I'm financially and culturally part of the scene.

She is actively involved with the host community. However, she does experience difficulties in her interaction with bigoted or uneducated people:

If they're being terribly racist or coming up with things that are simply untrue about Arab people then I need to [inform them about my identity] ... just in order to show them that, yes I am qualified to speak on this subject ... I don't need to hide ... but then again I don't need to wear my religion in public either.

Lyna, the chair of a registered charity, has lived in London since 1979 but she has never experienced any discrimination. She reported that this might have been because she is light-

skinned. 'If I am asked then I do make it clear [that I'm a Muslim].' Normally, however, religion is a private matter for her. She reported that she makes her own decisions about what to wear, and like most other women in her section of the Lebanese community in London she does not cover her hair. Recently, however, she has become aware that two of her Lebanese acquaintances have started to wear hijab. She perceives their decision to be a political statement and it has made her angry, as she believes it is a direct result of their attendance of fundamentalist Islamic sermons. Like Bari'a, she believes Muslim faith should not be defined by one's dress code, but by one's actions.

When I see people ... [wearing hijab] who do not also give anything back to society then for me it's not acceptable ... I don't see eye to eye with [them].

She also reported that she believes Arab Muslim women living in the West should conform to Western norms of dress and cosmetics, which incidentally are 'more low key' than the current fashion norms back in Lebanon. She feels that she no longer fits in when she goes back to her country of origin. Yet there are times when she does not feel at home in English society either, for example when people are drinking too much, or when they are trying to explain points of social etiquette of which she is already aware. She also reported that many English people seem to lack basic knowledge of the Arab world and sometimes she has to inform them 'that we come from ... different countries and not every Arab or every Muslim is the same.'

Rania, a financial consultant, had only lived in London four years at the time of interview. However, from 1988 to 2002, she had lived in the USA and she was westernised in both appearance and attitude. She reported that she mainly socialises with her cosmopolitan

colleagues. Her decision to discard aspects of her religious and cultural heritage was simply a matter of:

Exerting my individuality ... When you're an adult you have to make decisions for yourself and you have to take responsibilities for it, and ultimately you're the person who has to live with it, nobody else.

She has never felt that her ethnicity and religion are barriers socially, and tends not to mention that she is an Arab Muslim. She is certain that in the Arab world with all its 'fatalism' - unquestioning acceptance of age-old tradition, she would have had to devote more time and energy to family matters and would have been judged more as a person (see p 62) and less as a professional. Living in the West has helped her to grow:

I don't think of myself [as] a typical Muslim ... I don't practise regularly in the sense of going to the mosque on Friday but it doesn't change the fact that I see myself as a Muslim ... in my own definition.

Muna, an advisor employed to run orientation courses on Saudi Arabian culture for newly-recruited expatriate workers contracted to work in that kingdom, had lived in Great Britain since 2000, but prior to that she had completed a Masters degree in the USA. She had evidently decided to wear neither traditional clothing nor Western cosmetics, as she was dressed very casually at her interview, with no make-up and minimal evidence of hair care. Unmarried at 48, she had apparently focused on her professional and intellectual development. She seemed proud of having been chosen for her job, and regarded her selection as an indication that her employer was not prejudiced against her on account of her ethnicity or religion: 'I mean my ... being hired for this position where there were other British women for the same job with the

same qualification, I was the one who was chosen.' She stated that she can express her opinions about Islam and Saudi society in Great Britain without being judged harshly. She interacts with members of the host community at work and in her everyday life, is a member of a theatre group and participates in charitable and other social events:

I am pro-adapting and integration and I am integrated. But I would not, I would not want to assimilate because then I lose the value I add ... to myself and to others ... I don't feel the need to hide [my faith]. I have never felt that.

On the other hand she does not tell people that she is an Arab Muslim unless they ask her. She had only once experienced being the victim of racism when an old man shouted 'foreigner' at her in the street shortly after 9/11. Generally she feels comfortable here, but:

People keep their distance ... give you time ...to settle in and to explore ... The difficulty in living in Britain is you need to take the first step approaching the British culture because ... it seems to be distant and cold ... The British culture is a very shy culture.

Meisoon, a Palestinian, who was working as a political counsellor at the time of her interview, reported that she has never experienced racism here. She stated that she feels more at home here than she would in Palestine, that she enjoys the freedom to smoke in public and to wear Western fashions and that she interacts with members of the host community both in her work and in her leisure time:

I go out sometimes with my British friends. I would be in a place where they play Western music and I would be dancing with them and I wouldn't miss Arabic music or my culture for that evening.

Wafa, an embassy secretary, also wears Western clothes (jeans and T-shirts) and stated that she drinks wine in public. Like Lyna and Meisoona she reported that she has never personally experienced racism here, although her son has at school. She enjoys the freedom to contribute to society to the best of her ability and considers herself 'a liberal independent woman' capable of making her own decisions. She never normally tells people that she is an Arab Muslim, but at interview she confided that she is in fact of mixed descent, and that her father, who died when she was five, was an Indian, a factor that may have contributed to her marginalisation in Yemeni society, whose customs and attitudes she claimed to have rejected although she remains in daily contact with Yemenis in her work. She feels that this is the society to which she belongs. She would like to meet more British people. The extent to which she felt alienated from her ethnic and cultural heritage made her unique among participants, and it was difficult to decide which cluster (if any) she belongs to. It was finally resolved to place her among the most integrated, as this is how she would consider herself. However, while she had rejected her own heritage, her employment at an embassy did not give her as much opportunity to integrate into the cultural and social life of the host community as she would have liked.

8.2B Cultural Pluralists

The women included in this cluster all arrived here as adults and had been living here at least six years – some of them considerably longer, at the time of interview. Despite this, their lack of fluency in English has continued to be a challenge for them in their social interaction, which may help to explain why many of them reported having had experience of British people behaving in a patronising manner towards them. On the other hand they reported fewer instances of overt

racism and appeared to be more concerned about improving relations with mainstream society than Cluster C participants. Several felt it to be incumbent on them to dispel myths about Arab Muslim culture or to emphasise shared values and beliefs, but the extent to which they succeeded in negotiating cultural barriers varied considerably.

Like Bari'a, embassy secretary Alia¹ believes that Arab Muslim women should make more effort to integrate if they want to be accepted, as she herself does:

I think that if [they are] wearing normal clothes it doesn't do any harm ... I think ... they have to prove themselves to this society in every aspect for it to accept them ... I like to show them that it's possible for a Muslim woman not to be a woman who is hidden at home, a Muslim woman can be a Muslim whose behaviour is appropriate for her religion without being the stereotype they have in their minds. Western society must know that Islam as a religion is not different as concerns values to any other religion.

However, she finds that 'the British are not very open to foreigners. They don't consider you one of them ... I'm not very happy with that.' Over the ten years that she has lived in Great Britain she has not formed any lasting relationships with British people. For example, she has not managed to maintain the relationships that she had with the mothers of children whom she knew when her own daughters were young, and thinks that this would have not been the case in Syria. 'I feel that so far I have no roots here. I laid down my roots in Syria.' She has never experienced any overt discrimination at social gatherings with her husband's university teaching colleagues but some of them appear to think they are superior when they ask her questions, and language remains a problem for her. 'I often find that people are looking at me strangely.' Once she asked

them why they could not accept her difference. 'They immediately said, "Sorry, you are right", but they didn't try to go further than that with the conversation.'

Fawzia, a charity fundraiser with three adult sons all pursuing professional careers in Great Britain, stated that she had not had much to do with the host community in her 16 years here, and she still has problems understanding the language. '[It's] very stressful, it's not easy to live here ... at all ... Socially, yeah, it's not that easy to get into social life I think. All the responsibility is on you.' Like Alia¹, she has never been a victim of racial or religious discrimination but she thinks that the host community still has an orientalist view of Arabs:

English society really loves interfering in the details of Arabs, Arab and Muslim women, they are eager to talk and see our habits and our society ... They thought that women, their job is just to get married, bring children, stay at home, that's it. They don't know now that women are getting so powerful and they are managers and directors.

She started wearing hijab for religious reasons, 'not because we're extremists', following her performance of the *hajj* three years ago, and reported that it had made her feel stronger generally and better able to cope with her work.

Long-term resident and businesswoman Muttia arrived here when she was 31. Now she believes that life is better here than it would have been in Egypt, both for herself and for her sons. However, one of her first comments at interview was that defining her identity presents a problem not just for her personally but also for her family and friends. She does not discuss religion with members of the host community but sometimes explains that she is an Arab, as she is aware that her English is far from fluent. '[The] first thing [I say] when I go to [speak to]

anyone [is], “Excuse my language.” They say, “Oh, no, no. You’re speaking fine! No problem! We understand you.” Indeed, despite her relative lack of proficiency in English, her efforts to integrate socially seem to have been more successful than those of Alia¹ or Fawzia. She claimed that all her neighbours are British and that she is involved with the host community in all areas because ‘it’s part of my personality.’ She recalled how welcoming ‘pure British’ people were when she joined her son’s rugby club. Like the previous two participants, she has never been aware of any discrimination against her. She wears hijab, and does not think Muslim women need to change as long as they show respect and dress in ways with which the host community feels comfortable – not wearing the *niqab* for example. She believes that the host community has made efforts to accommodate Muslims, and that awareness of Muslim customs has increased since 9/11. She gave two examples – the improvement in the labeling of *halal* meat in supermarkets and the provision of two hours a day for women only at a gym housed in local council premises near her home.

Nawal is an editorial assistant working for an Arabic publication. At the time of interview she had been resident here for twelve years. She agreed with Lyna’s remarks about Lebanese women dressing garishly, both in their own country and on visits to Great Britain. At interview she wore a very stylish Western outfit. She stated that she always makes it clear that she is an Arab and defends Islam against criticism.

I am proud to be Muslim but this does not mean that I have to show it so as if it’s the main thing ... I don’t drink any more - not because of my religion. I don’t like it [and] that’s it ... I live in this country. I have got their passport. I am working here, so I feel I am part of the society.

However, at work she mixes almost exclusively with Arabs and speaks Arabic, and she stated that she hardly ever has to mix with members of the host community because there are so many foreigners in cosmopolitan London. In this sense she fits in well to this cluster of cultural pluralists.¹⁰⁵

Zubeidah also feels comfortable here because of what she perceives as the multicultural nature of British society:

I think we can integrate ... without that we change the way that we are ... We obey the law and pay the tax ... If we have to change ... then we cannot say that Britain accepts other cultures so ... we don't have to change unless we want to ... pretend that we are not foreign ... Maybe if there are not so many people from other countries here, then maybe I would feel more like I ... am strange.

Employed in her family's business here since 1999, she does not wear traditional Arab over-garments any more, but she regards this as a superficial adjustment, as the weather obliges her to cover up most of the time anyway. She reported only one occasion, soon after the London Transport attacks of 7/07/05, on which someone had made an anti-Muslim remark to her. She informs members of the host community of her ethnicity and religion only if she has reason and like Nawal, does not choose to be actively involved with them. Like Muna, she has perceived that English people like to keep their distance from one another:

Maybe I could have more friends in my neighbourhood but I look and see that even they are not close with one another so in this way, I cannot say that I am ...

¹⁰⁵ Cf. Nagel's 'Young Cosmopolitans' Chapter 4, pp 85-86.

excluded! I think what maybe prevents the friendships here is the English character ... They are so reserved!

Virology researcher Hanan had lived here for twenty years at the time of interview. Nevertheless she still felt some nostalgia for Lebanon. She reported that while her English is good, she feels that her lack of native-speaker fluency imposes constraints. Sometimes she laughs or conforms to mainstream behaviour out of politeness. She stated that she feels uncomfortable with people's excessive cultural sensitivity – when they apologise for celebrating Christmas for example, and when they express their preconceived ideas about Arabs. She recalled an occasion when she informed some members of the host community that she was going to a lecture on a subject that interested her to be delivered by a member of the Jewish Women's Association and they immediately assumed that she was going to stir up trouble. Although she appeared to have made more of an effort to integrate with members of the host community than some of the participants in this cluster - Fawzia, Nawal and Zubeidah for example, her interactions have often been characterised by cultural misunderstanding.

[I] want people to know that I am Arab ... Muslim and from this they can maybe understand more about Islam ... and also about my ways ... I can say that my commitment to Islam is not less because we live here ... At work always I cover [myself] loosely like this ... I think I am part of mainstream society ... I pay my taxes, I am employed, I vote. Sometimes I write to the newspapers.

Two hijab wearing Palestinian participants, Ghada and Hala (P) were both aged around thirty at the time of interview and had migrated here in the mid 1990s. Ghada reported that she

interacts with several members of the host community and tells people that she is Arab Muslim 'so people can understand ... who am I and maybe appreciate our culture.' While her own command of English is good she still has to make an effort to understand 'strong accents' and people tend to speak to her slowly or loudly as if she wouldn't understand otherwise. When she volunteered as a classroom assistant at her daughter's school, at first she was given cleaning duties and she felt this might have been discriminatory. Neither she nor Hala (P), a medical receptionist, who recalled only one incident of racism from some 'crazy person' shouting at her in the street, has made any compromises in her dress code, and the latter believes:

Muslim women should be ambassadors of their faith here ... I feel that I want to be a good Muslim. I feel that I should do the right thing here ... wearing hijab, telling everybody that here is a Muslim.

By comparison Sulafa, an interpreter and translator, resident here for eight years at the time of interview, presented a much more Western identity although 'if there are [male] Arabs around I would be more careful how I dress.' She appeared keen to integrate into the host community ('when I first came here I was really, really judgmental, which is typical Arab I think'), admiring the tolerance of British society and making an effort to understand cultural references by watching a lot of local TV programmes, but her attitudes towards drinking alcohol and extramarital sex present a barrier:

I feel [my friends] have to accommodate me sometimes ... I can't join people for a drink ... Everybody here ... if you're single, either you had a boyfriend or you are in the process of meeting one ... I'm not yet ... relaxed with the idea of going

out with someone just to see if it works or not for me. I'm still really Syrian in that regard. If I want to be with someone then I have to marry them.

Like Ghada, she still has difficulty decoding strong accents, especially on the phone, despite her fluency in English. On the other hand her aural English is good enough for her to have understood anti-Muslim remarks made by people unaware of her identity. She also feels that estate agents try to take advantage of her when they find out she is an Arab Muslim. Her awareness of Islamophobic remarks and attitudes can be explained by her relatively high level of competence in English, closer to that of Cluster C than Cluster B participants, and by her fair complexion and blond hair, which probably make people assume that she is not Arab. In spite of her awareness of the existence of Islamophobia in Great Britain she has remained more sympathetic towards the host community than any of the Cluster C participants.

8.2C Cultural Pluralists Born and/or Raised in Great Britain

Five participants were either second generation or 1.5 generation migrants, either having been born in Great Britain or having arrived as young children. Thus, unlike the participants in all the other clusters, they had little first-hand knowledge of the Arab world that they could use for comparative purposes when making judgments about Great Britain. Their perceptions of British society were mostly based upon absolute as opposed to relative criteria and tended to be less sympathetic than those of participants in the other clusters. At the time of interview three of them were working and the other two were students, but none of them gave the impression of being fully assimilated within their work or study environment, let alone outside it. Moreover they all reported having personally experienced racist or Islamophobic attitudes in their interaction with

members of the host community. This may in part be due to their relatively low socio-economic status, which has brought them into closer contact with people who express such attitudes more overtly, and it may also be due to their having developed native-speaker fluency, which has given them the ability to detect more subtle racist comments and attitudes. Three of them had gone through a phase in their teenage years during which they had adopted behavioral practices forbidden to Muslims, apparently in an attempt to assimilate with their peers, only to abandon their rebelliousness and return to the cultural and religious norms of their families when they were older. Interestingly they have chosen to preserve many aspects of their Arab Muslim heritage despite having lived in Great Britain virtually all their lives and being fluent in English. Indeed two of them have chosen to wear hijab, thus making a clear statement about their minority identity.

Aisha is a librarian. She reported that she perceives Great Britain to be an individualistic and multicultural country. She used to rebel against her religion and culture and as a sixth-former she tried to fit in by behaving like her host community peers:

I've been ... to nightclubs. I've been to the hospital to be treated for ... drunkenness ... [but now] I make it clear by the way I dress ... that I'm an Arab ... Muslim ... same as I'd express it living absolutely anywhere else in the world ... I pray, um I fast, and I ... avoid ... evil and do good, or try!

She had her headscarf ripped off once by a gang of white boys, but most of the instances of Islamophobia directed against her have been more covert. She believes that it is not possible to say whether these instances were racially or religiously motivated, but suspects that the two forms of bigotry become blurred in the minds of those responsible. Muneera (P), another

religiously observant hijab wearer, who was an undergraduate student at Birmingham university at the time of interview, also recalled Islamophobic incidents in which she was personally involved, one when she was at a swimming pool with her grandmother, who had wanted to bathe fully clothed, and another when she and her mother were in their car and were accused of driving as if they were in India.

Dalya, a London beauty salon owner who does not cover her hair, initially gave the impression that she was very well integrated:

Now my identity is through my studying, through the friends that I have accumulated over the years ... I feel part of society, I go out, I do, as everybody else, normal daily activities [like taking the kids to school and shopping].

Yet when she and her husband had their offer to buy a house turned down she thinks it might have been because the vendors suspected that they were Arabs. Furthermore, she reported that when she was working in a medical lab in Kingston-upon-Thames her colleagues regarded her as a foreigner:

Not having boyfriends, I felt I am not part of that [scene], so I couldn't form a strong ... friendship with somebody [whose] lifestyle and interests are totally different to mine ... I feel uneasy ... I remember everybody finishing from work, going to the pub afterwards, getting drunk or whatever, but I don't do that and I didn't feel part of the group. I should have interacted maybe in hindsight ... If somebody asks me where I'm from, I would definitely say I am Arab, I wouldn't shy away from that ... I used to [explain that I'm a Muslim] quite a lot, and make a point of it. Then they understand why I don't want to get drunk.

She reported that now she hardly ever chooses to be socially involved with members of the host community, even though interactions with them do not present her with any particular difficulties, but she does not tend to mix with very religious Muslims either because:

They will look you up and down and disapprove ... 'Each to their own!' That is what I say. Everybody can do what they want to do. If it is distasteful, I don't have to sit there and be part of it.

Dalya's cousin Dawsar, who had previously worked in estate management and was doing a diploma in cuisine and patisserie at the time of interview, does not cover herself either. Living here has made her:

A lot more flexible, a lot more ... socially aware or open to new things ... I wouldn't say I was very religious ... when I was younger there were things [I did] that maybe my parents didn't look upon as being very appropriate ... I'm culturally adaptable, but not necessarily part of [the host community] ... Career-wise ... it was difficult because I always felt that I was an outsider ... when I was working ... I felt that I had to fit in because they were majority-wise English and going to the pub ... was part of the English culture ... something that I was very uncomfortable with doing.

She also believes that because she started a family at a younger age than is normal for women in estate management her colleagues thought that she was not committed to her job. She dresses in Western styles and does not tell people she is Arab Muslim unless they ask her.

Like Aisha and Muneera, Zeinab, a local council employee who does not wear hijab, has been the object of Islamophobic abuse in the street. After 9/11 some people shouted 'terrorist' at her because, she believes, they had identified her as an Arab. She also reported having gone through a rebellious phase, like Aisha and Dawsar:

When I was a teenager ... I was doing ... things behind my mom's and dad's backs like you know going to parties ... but I'm over all that now ... I reckon I'm more Arab than I used to be ... call me difficult if you want but that's how I feel. It's like people thinking, 'Oh these Arabs are trouble-makers!' I suppose I want to show them that some of us ... the vast majority of us in fact ... are just honest, normal people and we just want to get on with our lives as best we can ... so that they can like understand us and accept what we're doing. When ... they think they're being all culturally aware and tell you that you can't have a drink or a bacon sandwich...that gets up my nose ... Sometimes I get the feeling that I'm not ...you know...invited to [office] parties 'cos they'll be doing evil things like drinking and that sort of thing isn't for me.

8.2D Marginalised Participants

The responses of these women are characterised by the belief that they do not really belong here. Four expressed the desire and intention to return to their countries of origin when circumstances allow, and the other one (Noor) was uncertain whether she would be permitted by the immigration department to remain here. Two of them are refugees from Sudan. The

circumstances of each of the other three are quite different. None of the five expects to remain here as a permanent resident, unlike the participants in the previous three clusters.

Asma was twenty at the time of interview. She had tried to fit in at school here when she arrived aged fourteen, but she had felt that she was play-acting. At times she had felt threatened by the level of violence in her school environment. Even now she is frightened when she witnesses violent behaviour in public places, but her contact with the host community is generally limited to transactions at the local shop. From what she has observed, non-Muslims in Great Britain have only a superficial understanding of Muslim culture. She never talks about her ethnicity, nationality or religion although it is probably clear to most people from her hijab that she is a Muslim. She has done little to adapt her identity since leaving school and leads a very family-oriented life, being responsible for the care of her developmentally delayed younger brother. She is nostalgic about Egypt and is hoping that her family will arrange for her to return there and get married. Asma appeared exceptionally isolated from mainstream society. At interview she attributed this to her experiences at school and in her residential neighbourhood rather than to patriarchal pressure from her family.

Like Asma, Noor was unemployed at the time of interview, and she too came across as marginalised and alienated, despite her competency in English. She reported that she feels insecure about her uncertain residential status here which, she stated, has made it hard for her to find work. She thinks that her foreign accent and her headscarf also cause her to 'lose marks' at job interviews. However, she did have some positive things to say about Great Britain. She appreciated the amount of personal freedom she has, and conceded that some people are friendly here. Then she went on to say:

Others are very prejudiced and hostile towards people from the Middle East ... I never try to fit in anymore ... I wanted this maybe 12, 15 years ago. After my divorce I became aware that it would be impossible for me to fit into mainstream society ... Now ... I prefer to make friends and join with other Muslim[s] ... I don't belong here ... [People] know I am foreign and they probably know I am Muslim. I don't mention it. Already the discrimination is there. I don't want to increase this feeling.

Khadija¹⁰⁶ had been in her mid-thirties when she had arrived here from Sudan as a refugee in 2000. She had made an effort to acculturate initially:

How could I live in a country whose culture and language I don't know? ... The English we learned ... [in Sudan] was something else altogether ... But this is a stage and you get over it after a while.

At the time of interview she was working with other Sudanese refugees. Her involvement in her organisation has brought her into contact with members of the host community, who have treated her with respect, but:

After some recent events ... the bombings, you might experience some personal problem in public places ... Someone looks at you as if it was you [who are responsible] ... a look that bothers you, but after a little while you say that they don't understand.

¹⁰⁶ Excerpts quoted from this respondent's interview have been translated from the original Arabic.

She does not believe there is any need to change the way she dresses. She wears a headscarf and if she has the opportunity or if she feels it is appropriate to do so she talks to people about her culture. 'We should give a good impression of ourselves as Muslims ... for example, in how we dress.' She thinks that young people leave home too early in British society, a sentiment expressed by two of Nagel's participants (2002: 271-272). She appreciates 'the lack of interference in other people's affairs' in Great Britain but misses Sudanese 'warm and close relations'. She does not intend to stay: 'Some day I will go back to my country ... but as long as I am here, I am part of society and I am affected by it.'

Majdah¹⁰⁷, another refugee from Sudan, is a provider of full-time care for her disabled adult son. She is nostalgic about her country where 'we could walk along the road and visit anyone ... but here we can't do that, even if it's a Sudanese person. You have to know their circumstances and other things.' She never mentions her ethnicity here but the African-style hijab she was wearing at interview indicated that she does not attempt to disguise her origins either. She found Great Britain:

Stressful ... Life is very difficult ... People ... mainly don't accept anyone they don't know. Their nature is a bit strange ... My neighbour is from here, I only know him ... because we've been living next door for 11 years but we started talking to each other 7 years ago.

She reported that she mainly interacts with other Sudanese, but she does have to liaise with mainstream educational service agencies in connection with her son's learning difficulties. In order to adapt to the British environment she has had to become more punctual and self-

¹⁰⁷ Excerpts quoted from this respondent's interview have been translated from the original Arabic.

reliant, but otherwise she does not think she has needed to change her habits. 'Up to now I feel that I am here temporarily and I will go back to my country.' In order to do so she has had to become a British citizen, because the Sudanese government does not welcome back citizens who left as refugees.

Reem is a hijab-wearing housewife and mother. She reported that she wants to go back to Lebanon when the security situation improves. Although her English is fluent she has difficulty understanding British accents and slang, like Ghada and Sulafa. She does not want to integrate into British society, except when necessary, for example when dealing with medical, legal and financial issues:

We do not wish to modify our culture by incorporating anything Western ... We can make closer friendships with people who are closer in culture and background ... The closer the background the closer the friendship ... It's not important to me [to let people know I'm an Arab ... As for religion] it depends on the context ... If they want to know because they're busybody, why should I say anything? But if they want to know because they are interested ... then this is fair ... I've had to learn ... to ... be patient and ... not to be angry with them because actually they don't understand ... A lot of their opinions are ... the result of ... the influence of ... media ... pressure and propaganda ... There is also a lot of discrimination and it's probably ... [got] worse over past years because of world events as you know ... so we worry sometimes about this. Maybe in a shop or ... even on the street ... they may look at you in a strange way. You must learn to ... avert your gaze and carry on as normal and sometimes they may say bad things and the best thing is not to respond.

8.2E Acculturating Participants

The fifth and final cluster is comprised of women who were all enrolled in full-time tertiary education courses at the time of interview and, with the exception of Hiba (P), planned to return to their countries of origin on the successful completion of their studies. None of them had been here more than five years and they were all still acculturating. Alia² and Jawahir, were still in their first year, and while the others had been here long enough to become accustomed to their university environment they had had limited contact with wider society. They all appeared to find the experience of living here stimulating and invigorating, and, unlike Cluster D participants, did not express strong feelings of nostalgia for their countries of origin.

Alia²¹⁰⁸ has continued to wear traditional Muslim over-garments since her arrival. She has not encountered any racism here, unlike in the USA, where she had found people to be less tolerant of her ethnicity and where, she reported, Arabs are frequently the butt of jokes on TV shows. She thinks that all students, irrespective of their ethnicity or religion, live on the margins of society, but as a Muslim woman she was also facing social problems integrating with other students. She had had to turn down invitations to accompany them to bars.

I don't like to be in that kind of environment. For this reason I don't go to those types of places ... They say, 'Well, so-and-so goes.' 'Yes, she is from another Arab country ... she doesn't wear the hijab' ... It's embarrassing and difficult for me as a woman who wears the hijab to go and sit there.

It is not only her dress code that creates a social barrier. She also feels that members of the host community also erect fences, particularly around their homes:

¹⁰⁸Excerpts quoted from this respondent's interview have been translated from the original Arabic.

There is no relationship with [other students] after they go home. That's it. Society here doesn't let you advance more so that you have social relationships with them or you go to see them, no.

However her experience of interaction with other students during study time has been positive. She tells people that she is an Arab when she considers it to be appropriate, but she feels it is obvious from her attire that she is a Muslim and therefore she does not mention it. As a guest in this country, she does not feel she has the right to be critical of the host community, but she was willing to express her opinion of Arab residents here. With the fresh perspective of a newcomer, she endorsed the views expressed by long-term resident Bari'a when she remarked:

Arabs in London ... are living together [in enclaves] ... Even if they are born in London, they may have feelings of not belonging and these feelings are harmful sometimes - they destabilise the identity. ... [People get] lost in the middle.

Hiba (P), an undergraduate at Birmingham University, believes that if one behaves with humility in Great Britain it enables one to integrate more easily. She did not want to appear too conspicuous, so she had modified her dress-code, but she still covers her hair. She reported that living in Sweden for twelve years had prepared her for life in Great Britain and that after a year and a half she was beginning to integrate, and was consciously adopting the positive characteristics of her English acquaintances. She socialises with people of all faiths, but apart from one atheist, her closest friends are all Muslims. She had never been subjected to any direct discrimination but sometimes:

I see a look, you know, the eyes, the view, the way they see us and sometimes it's not very comfortable ... 9/11 - either that made people really interested in Islam or exactly the opposite.

'Maryam' (P), another Birmingham university undergraduate, wore a headscarf at the time of interview but she was beginning to find that wearing it was counterproductive in the sense that it attracted the attention of Arab boys ...

Following you and trying to know who you are. It's just so stupid! I really hate being in front of ... Arab boys because ... like, I feel that I am scanned, you know, from the top of my head to my shoes ... I can imagine that they will discuss this later ... I know for sure that they do this.

She reported three instances of discrimination that had occurred since her arrival three years ago and in two of these she was personally involved. In the first, some teenagers acted rudely towards her in a Subway restaurant. In the second, she claimed that she was treated unsympathetically by a doctor when she went to see him about a skin rash and that his attitude was racially or religiously motivated. She reported that on another occasion her headscarf-wearing friend had underwear thrown at her in the street and that this was because of her ethnicity and religion. She has friends from a variety of backgrounds and likes her English flat-mates now that she has got to know them, but like Alia¹, she has noticed a tendency among former acquaintances to ignore or forget about her.

I really noticed that ... from last year ... my supervision group who I saw the year after ... didn't even say, 'Hi!' Or anything - so like, come on, we were together for one year already so at least, you know, nod your head!

She also reported a more fundamental difference between her and her British fellow-students - her ideas about God. 'I really, really believe that God is the only one that can help me in like my life, studies – everything!'

Khadijeh, an aeronautics student in London since 2002, reported that limited provision of single-sex gymnastic facilities prevented her from joining other female students in their exercise routines. She had not felt comfortable on the one occasion that she had gone to the university bar. On the other hand, not going made her feel out of touch with other students. In other locations 'physical ... or ... dress code differences' have not affected her ability to socialise. Outside the university she interacts with her non-Arab neighbours and with her co-workers in the charity of her choice, but she does have problems understanding British humour. Like other participants in this cluster she tries to wear things that blend in as she does not want to make people feel uncomfortable, but she always observes Islamic injunctions on dress according to her understanding of them. Like several participants from other clusters she wants to present a good impression of Arab Muslims: 'I am very proud to ... explain ... where I am from ... so they don't think Islam and Arabs are just bad and terrible people.'

She made a serious allegation of discrimination against a member of staff at the university where she is studying. She stated that an 'ex-Israeli' lecturer made it clear to her that he did not want to supervise her project and she suspected this was because of her ethnicity, religion or gender. Apparently she did not report the incident and she was able to find another supervisor. She did not mention any other instances of discrimination against her. Indeed all Cluster E participants reported relatively few cases of discrimination, compared to participants in Clusters C and D. This may be because in their university environments they mostly come into contact with culturally aware and tolerant members of society. Another possible explanation is

that, like Cluster B participants, they are less attuned to the more covert signals of Islamophobia around them, both verbal and non-verbal, and therefore they have not detected them.

Postgraduate student Eman (P) stated that as most Saudi women are accustomed to sexual segregation they need to adapt to interaction with men when they come here. However, she herself had not had to, having been raised in the USA. Like Alia2, she reported having experienced discrimination there, but unlike her, she had adopted a Western though modest style of dress. 'I don't wear *abaya* or hijab but I don't show my stomach or wear short skirts.' Socially she tends to mix with other Muslim women from the Gulf. It does not concern her much that she has not integrated because she is only here on a temporary basis.

The social life is very hard, very different! We're culturally different. You're asking me why I don't have more English ... British friends? Because I can't do the same things they do.

Jawahir, who qualified as a physician in Saudi Arabia, confirmed Eman's comment about the need for most Saudi women to adapt to interaction with men in Great Britain. Like Alia2, she believes that it is necessary for Muslim women generally to make compromises about their dress codes. She thinks that wearing *niqab* is counterproductive as it makes one more, rather than less conspicuous. She herself had stopped covering her face, and exchanged her black hijab for pastel-shaded ones, though she was finding it hard to buy suitable materials. She also reported other difficulties: finding Muslim prayer rooms, 'ladies only' hairdressers and single-sex gyms. However, she also had several positive things to say about Great Britain. She described it as a land of opportunity and self-discovery, and was enjoying the freedom to walk along the street alone unmolested like any other British resident, while retaining her own ideas. Unlike Muna she

did not feel that she could discuss Islam freely here but she said she would like to do so, even in front of the media, so that, like Khadijeh, she could improve the negative image of Arab Muslims. She was keen to interact with the host community when shopping. She often let people know that she is a Saudi Arabian Muslim and has never felt her nationality or religion to be a barrier.

Jawahir perceived having to study alongside men to be a challenge for her, a challenge that is compounded by 'miscommunication'. Moreover she was facing quite serious issues in establishing her professional credibility with her tutor, who:

Cannot imagine that someone who is coming from a third world can achieve ...

The English, they have a high standard for themselves and they think that nobody can achieve that standard so you need to make major effort in order to change their idea that you are up to their levels.

Like all participants in this cluster, she appeared to be a highly motivated and committed student. However, the above quotation suggests that her tutor may have had preconceived negative ideas about her Saudi Arabian professional background. It also calls to mind the opinion of Alghamdi that the educational system of that kingdom is not geared towards 'critical thinking and creativity' (see pp 47-48) and does not encourage students to adopt a questioning attitude. Alghamdi also claims (2006:5) that its 'authoritarian' nature is derived from the Egyptian system, from which it may be deduced that it is not unique in the Arab world. Therefore, Arab students who come to Great Britain to study at tertiary level not only have to attain a level of linguistic competency that will enable them to study and research in English: they may also need

to learn to think more critically, more discursively and more originally in order to be successful in Western academia.

The same two criteria (English language proficiency and critical, creative thinking) are arguably two of the essentials not only for academic success but also for success in the professions and in managerial positions in Great Britain, as the majority of the most integrated (Cluster A) participants and some of the multiculturalists (Clusters B and C) had demonstrated. It may be concluded that in a meritocratic society like Great Britain, success in gaining both academic qualifications and employment is possible for all those who are willing and able to compete, irrespective of their previous educational background.

8.3 Conclusion

In accordance with the second aim of this study, participants were encouraged to discuss how living in contemporary Great Britain has influenced their perceptions of their own identity. Positive and negative experiences of life in contemporary Great Britain were discussed with them in an attempt to ascertain the extent to which the women's identity has been influenced by their experience of life in Great Britain. It transpired that several variables, including class background, education and employment, were critical in determining their responses. The significance of class background became particularly apparent in the interviews conducted with more affluent participants residing in Central London, whose wealth and social status appeared to insulate them from the overtly intolerant behaviour of Islamophobic members of the host community. As might have been expected, education and employment were also important in determining the extent to which participants interact with members of the host community. With

regard to employment, while some participants reported that they had integrated into their workforce to the extent that their ethnicity and religion were no longer relevant, there were others who were or had been acutely aware of their 'difference' at work. Then there were also those whose employment or whose membership of groups promoting ethnic or national causes resulted in their having frequent contact with other Arab Muslims, often of the same nationality or from the same region as themselves. While it had been expected that membership of Islamic organisations might also be a significant variable, few participants gave any details of any such affiliations.

Placing participants in clusters involved an analysis that focused on the differences among them, in terms of what their socio-economic status is, why they migrated here, how long they have been residents here and how they have responded to the challenges of integration. The purpose of this analysis was to identify various patterns of integration - patterns which are not based merely on personal anecdotes and ephemeral experiences, but which reflect a broader picture of the variety of strategies that Arab Muslim women in Great Britain have adopted, either to engage with, or to maintain their distance from, members of the host community. However, despite the discernable differences that emerged from the cluster-based analysis, it should be remembered from Chapter 7 that there was a high level of consensus among participants from all clusters on many issues such as the importance of their ethnicity (see pp 159-160), their family (see pp 160-165) and their personal faith (see pp 165-168). There was also substantial agreement among them that patriarchal interpretations of Islam are unfounded and should be rejected (see pp 168-172). Moreover in this chapter a number of participants from different clusters expressed shared perceptions. To take two examples of this, both Bari'a (Cluster A) and Alia2 (Cluster E) commented on their observation of the tendency for Arabs to live in enclaves of London, and

Alia1 (Cluster B), Khadija (Cluster D) and Jawahir (Cluster E) all felt that it was incumbent on them to present a positive image of themselves as Muslims to the host community.

The first two aims of this investigation have been substantially achieved in this chapter and the one that preceded it. The following chapter addresses the third and final aim of the study, namely, by investigating the position of Arab Muslim women in contemporary Great Britain in matters affecting their legal personal status, with specific reference to conflicts over family law issues that have stemmed from differences between the Shariah and traditional Arab practices on the one hand and English Family Law on the other.

Chapter 9

Identity in Law, Identity and Law

[In Great Britain, t]here is no general assumption that ethnic and cultural affiliations will be dropped as individuals are assimilated (McGoldrick, 2006; 173).

This chapter, together with Chapter 5, which set out to provide a review of the literature of the status of Arab Muslim women under English Family Law, discusses key legal issues facing Arab Muslim women with reference to the views and experiences of the participants (both Arab Muslim women and practising lawyers) in this investigation. While the subject matter of these two chapters, which address the third aim of the investigation, enhances the interdisciplinarity of the investigation as a whole, the present writer makes no claim to expertise in English Family Law, although it has been necessary to become more familiar with the field in order to conduct this research, in the same way as many other Islamic Studies researchers in the West have found it necessary to broaden the scope of their work in order to make it more relevant to contemporary society (see pp 50-51).

Towards the end of their interviews participants were encouraged to discuss aspects of their lives affected by legal issues that had arisen as a result of injunctions of the Shariah, English Family Law rulings, the combined force of both, or a clash between the two. While several of them, particularly those who had been granted divorces in Great Britain, provided relevant and stimulating comments and anecdotes, the extent of their legal knowledge was inadequate for the successful achievement of the third aim of this investigation, and this is why it was deemed necessary to consult lawyers with experience of acting on behalf of Muslim women (see p 15 and pp 148-150). The questionnaire responses of these five lawyers made a valuable contribution to this study. The following information about their identity and that of their clients

has been included to clarify the provenance of this contribution without infringing the anonymity upon which the lawyers' agreement to participate was based.

The lawyers had a range of ideas about their roles as advisors to Muslim men and women experiencing marital disharmony. The comments and opinions of two of them (L1 and L2) reflect the cultural base pattern values of more conservative British Muslims of South Asian origin (see pp 105-107). They were in favour of changes to the national law that would result in Muslims in Great Britain having their family and property affairs settled in special Shariah law courts. It may be that their ethno-cultural background was a source of bias affecting their opinions on the desirability of marital reconciliation. By contrast, it was not possible to conclude from the comments of L3 and L4 what their opinions or cultural base pattern values were. The comments of the fifth lawyer (L5), a female of South Asian descent, reflected a greater degree of sensitivity about the plight of Muslim women trapped in abusive marriages than did the comments of the other four. It is possible that her gender made her more empathetic towards Muslim women who wish to file for divorce than the other four. Finally, with regard to the identity of the lawyers' female Muslim clients, it seems probable that the majority of them were of South Asian descent, given the demographics of the Muslim population of Great Britain (see p 24).¹⁰⁹ However, in this connection, it should be remembered that while the law¹¹⁰ takes into account the faith of the parties to a marriage, it does not make any special provision on the basis of their ethnicity. Therefore all Muslim marriages are subject to the same English laws.

¹⁰⁹ See pp 164-167 for interview participants' views on the cultural divide between South Asian and Arab Muslims.

¹¹⁰ The 2002 Divorce (Religious Marriages) Act.

9.1 Legal Pluralism and the Shariah: Lawyers' Perspectives

In this section issues associated with the implementation of a system of legal pluralism (see pp 104-113) are discussed with reference to the questionnaire responses of the lawyers. The opposing views of two of them on Khalida Khan's allegation (see p 110) about the emergence of a new Muslim male political elite in Great Britain provide a useful starting point for this discussion. L1 is of the opinion that there is no need for women to be concerned about this because:

In fact a lot of women are coming forward from the Muslim community and contributing to the society we live in. ... As more sisters are getting qualified in counselling skills and Shariah law they are being invited ... People seem to have personal agendas and allow their personal insecurities to raise this kind of questions.

On the other hand L5 believes that there is cause for concern, arguing that Shariah councils are dominated by men, and that efforts to increase the number of female members are making slow progress:

It is certainly true that there is the emergence of a new Muslim male political elite in Great Britain. The new generation of Muslims is increasingly conservative and appears to lack the confidence in itself to elect female representatives.

Similarly, there was a dichotomy of opinion over the inclusion of male residents of Islamic countries on the European Council for Expert Opinions and Studies (see p 106). L2 is in favour of their inclusion:

Naturally, having members who have studied in Islamic countries is important, as they will normally have a greater understanding of the principles of Islamic law than someone who has been educated solely in the UK.

By contrast, L5 does not believe that the appointment of foreign scholars enhances the validity of the Council's judgments at all. She stated that 'we need to get more British-born and European Muslim scholars.'

The ethno-cultural heritage of L1 and L2 may also be reflected in their support for the incorporation of Shariah personal status law into the UK legal system, and the right of Muslims in Great Britain to live their lives in accordance with Islamic law:

The Association of Muslim Lawyers, Muslim organisations and individuals should ... highlight the rights of Muslims and get [Shariah personal status law] accepted, but this would mean changing many acts and precedents ... If we [Muslims] unite and approach ... parliament ... with strong, assertive and diplomatic approach, we may succeed ... I would be extremely happy if the Islamic personal law was accepted. L1

There has been a religious reawakening amongst the Muslim youth both male and female, and they wish to live their lives according to the rules and regulations of Islam in its entirety. ... My view is that if two adults (without duress) wish to have their personal lives regulated by Shariah ... they should be free to do so. L2

From the above quotations, it is clear that the views and values of L1 and L2 appear to be derived from the conservative cultural base pattern that they have inherited. By contrast, L5 seems to have absorbed Western values and views on gender equality, while the other two lawyers (L3 and L4) were less forthcoming about their views and values. Rather than indicating which base pattern he supports, L3 preferred to present arguments for and against greater pluralism in personal status law:

Whilst being allowed to follow a particular religious faith ... is a fundamental basic democratic freedom this must be balanced against the national laws of the land [where] each responsible individual wanting to practise such religious freedoms is based ...

However, legal pluralism in Britain may enhance the personal status of Muslim women ... if they feel that Islamic law is a system by which they wish to be bound and governed. On the other hand if Muslim women feel that greater justice can be achieved through the English legal system legal pluralism would have a negative affect for them. ... On one interpretation legal pluralism can be seen as placing legal authority in the hands of a patriarchal elite whereas on the other hand, where people through their own freedom of choice wish to be bound by an alternative set of legal/social/cultural laws they may not perceive it as being a disadvantage to them. To the contrary they may feel empowered by an alternative system of rules and laws which they believe have been divinely set down.

All five lawyers have had extensive experience in advising Muslim women on matters of family law and, despite their different perspectives, share positive views on the role of Shariah councils in settling family disputes. There was consensus among them that the role of these councils should receive greater official recognition within the national legal system:

My female clients are advised that should the husband refuse to consent to *khul'* she may approach her local Shariah council to intervene. My clients are normally given the details of the ... council headed by Sheikh Suhaib Hasan¹¹¹ in London.

L2

I have ... referred several clients to a Muslim institution known as the Shariah Council based in Birmingham¹¹². This body has adopted a more liberal interpretation of Islamic Shariah practices whereby if certain conditions are met a Muslim woman is able to obtain a final divorce from her husband. This religious divorce procedure is documented and can then be used to support any application for a civil divorce if need be. L3

I have personally referred Muslim females to the Islamic Shariah Council in the past. ... Often it is enough just to show that a civil divorce has been obtained. Then the *qadi* can make an order granting the religious divorce. L4

Should a woman want a divorce and her husband refuses to cooperate, I recommend the woman to approach the Shariah Council, who will grant her a *khul'* divorce ... It is fairly common for a husband to refuse to give a religious

¹¹¹ The Sheikh was a member of the European Council for Fatwa and Research (see p 92) at the time of his interview.

¹¹² See Appendix 4, p 321 for details.

divorce, so the woman cannot remarry until she has obtained a *khul'* divorce. It is again a common scenario for a man to refuse [to give] a *talaq* divorce to his wife whilst he is able to remarry again in civil law. This is where the Shariah Council is extremely helpful to women by giving a *khul'* divorce. Otherwise they would remain 'chained' women forever ... Muslim women are in favour of the Shariah Councils, whereas Muslim men complain to me that they have been discriminated against since their wife has been given a divorce by the Shariah Council even when the man had been denying her this. I have to tell the men to accept the divorce, as the wife is not his to possess. L5

Contrary to the views of the Canadian Muslim Women's Council and to those of Jarman (2008) and Bano (2008) (see pp 111-112), there was also agreement among the lawyers that introducing more legal pluralism would not result in Muslim women being disadvantaged. L4 argued that legal pluralism 'can only empower women and increase their rights. However checks and balances should be put in place so that there is no abuse of the system.' L5 also sees advantages in giving statutory power to Shariah Councils despite the fact that she is apprehensive about their being dominated by men. She stated:

There are many benefits of a system of legal pluralism. As long as everybody has to obey the English law, it is helpful for communities to have recourse to their own systems of justice in order to reach an agreement on issues of personal law ... Court queues and angst are reduced substantially ... A Muslim couple could get divorced in a Shariah Council and the English court system could stamp its approval.

L4's reference to 'checks and balances' and L5's emphasis on obeying English law suggests that their position on the possibility of accommodating Shariah family law within the framework of the national law is not dissimilar to that of Archbishop Williams (see pp 109-110). This is a moderate interpretation of the concept of legal pluralism, not to be confused with the practice of administering justice through a system of parallel courts, each of which would make judgments in accordance with the religious injunctions of the faith of the community that it represents. L4 points out that there are obstacles to this radical form of legal pluralism, but he is aware that there is support for its introduction, both among Muslims and among Jews:

It is clearly evident that demands from British Muslims to be subject to the Shariah in personal matters whilst living in this country would ... violate the principle of equal access to national laws guaranteed under the articles mentioned¹¹³ as it is quite apparent that actual conflicts exist between the two systems of law. However this position can equally apply to people of the Jewish faith who wish to be governed by the laws of the Torah in personal status matters.

L5 agrees with L4 that demands for Muslims to be subject to the Shariah in matters of personal status law violate the principle of equal access to national laws and argues that changes in the law that would benefit Muslims, especially Muslim women residing here, are more likely to occur as a result of compromises worked out under the existing legal framework¹¹⁴ rather than by any attempts to set up parallel courts representing the cultural practices of minority Muslim communities. However, L2 has an opposing view:

¹¹³ ICCPR (Articles 18 and 27) and ECHR (Article 9) - see p 106.

¹¹⁴ See the opinion of M. Malik, p 113.

In a democratic society, or one that perceives [itself] to be one, there should be no restrictions ... [on] the Muslim minority setting up parallel courts.

If parallel courts were established, the question of whether it would be mandatory for all Muslims to obey their laws in matters of personal status would then arise. If a Muslim woman were free to file for divorce through a national court in accordance with English Family Law, as opposed to going to an Islamic Shariah court, she might be regarded by some members of her community as an apostate. The establishment of a system of parallel courts would therefore be likely to have a significant effect on the legal status of Muslim women in this country. If they were compelled to submit to the justice of an Islamic court this would officially set them apart from non-Muslim women as far as their legal rights were concerned, whereas if they were allowed to choose between an Islamic and a national court and opted for the latter this would have the potential for setting up a serious conflict between the Muslim women and their ethno-cultural community. Therefore it would seem preferable not to establish a system of parallel courts, but rather to increase the amount of legal pluralism within the national court system in order to cater for the beliefs and customs of Muslims, instead of introducing a system that would perpetuate their legal 'otherness'.

9.2 Legal Pluralism and the Shariah: Interview Participants' Perspectives

Though essentially opposed to the idea of the wholesale recognition of the Shariah in England, some participants argued that if Muslims are prepared to integrate into society and participate patiently in negotiations, agreements will be reached that will accommodate elements of Shariah family and property law within the framework of the national law. They put forward many

reasons why it would be unrealistic to expect the host community to welcome the wholesale introduction of the Shariah, but there was also a commonly expressed view that there is no reason for the host community to object to those sections of the Shariah relating to marriage contracts, which, if absorbed into the national legal system, would only apply to Muslims, allowing them the right to a legally recognised marriage ceremony in keeping with their religious beliefs and practices. However, with regard to divorce, one respondent thought that Muslims should have the right to choose whether to follow the Shariah or English Family Law, and the three participants who had filed for divorce here under the latter were not only satisfied with the outcomes of their applications, but also stated that they believed that obtaining a divorce would have been more difficult, if not impossible, under Shariah law as it is applied in their countries of origin.

For Wafa, debate over the Shariah as a basis for modern legislation is irrelevant, but, as in many other matters, her view is atypical:

Well what does ... any religion ... teach you? ... They teach you the bad and the good things ... I mean your parents or society ... can teach you these things. ... In our age ... religion telling me what to do and what not to do ... doesn't make sense ... In ... highly qualified societies with all the sciences... [religion] doesn't apply.

More commonly participants expressed the belief that both the moral and legal injunctions of the Shariah as revealed in the founding discourses must be taken seriously (see pp 168-171), but this did not lead to expectations of their being integrated into the

national law. Indeed, such a development was viewed as unlikely, on the grounds that the Shariah is regarded as backward by the host community:

They cannot accept [the Shariah] because they think it is inferior system. They think it is backward actually. ... [Legal acceptance of the Shariah] ... will never happen ... so we cannot influence the law to accommodate our religious beliefs ... We can never feel that the host community has accommodated us. Noor

I think ... there is ... an idea in the West that we are backward people because our laws are maybe eight hundred or more years old and ... therefore ... they don't address modern issues but this is nonsense. We can deal ... with the ... pressures of ... modern life very well with the framework ... our religion gives us. Reem

Other participants gave several reasons for opposing the wholesale incorporation of the Shariah into English law. They argued that it would be unreasonable to expect to introduce the Shariah in a Christian country; that it would be impractical to introduce a system of legal pluralism with different laws enacted to cater for the cultural requirements of each religious group - and of atheists; that, taken to its logical conclusion such a system would cause social chaos; that it would cause considerable resentment among members of the host community, who would feel Muslims were receiving special consideration; and finally, that it is unnecessary, since Muslims can abide by Shariah principles without their being legally enacted. The following quotations, in which the above points are raised, collectively convey an attitude of tolerance and respect for the legal status quo here:

I don't think that Britain should accept the Shariah ... I think that [it] is the basis of ... Western democracy that we are all treated the same ... because this is such a

multicultural society ... We just have to have one set of laws that applies to everybody ... I understand that in a Western democracy that's how the law works.

Eqbal

As long as I agree to live here I must accept the laws. It's not normal to impose the Shariah in a country other than my own ... All laws have their territories.

Alia1

You can't have two laws for people living in the same country. Then everybody would want to have their own law ... and that would be chaotic. Bari'a

I don't think the British will accept [the Shariah] because it will be really weird on them ... There will be a chaos ... in this society ... It's very easy for [Muslims in Islamic countries] to adopt these things. It's natural because it's their religion ... They have to accept it. It's the way of life but here - no! Hiba (P)

You can't go changing the law to suit every group ... Can you imagine the ... bad feeling if we had different laws? ... [Britain]'s not an Islamic state so we've just got to accept ... the laws. Zeinab

Up to now I have managed to live as a Muslim completely following and abiding the Islamic laws and I haven't come across difficulties ... We had both [an Islamic and an English wedding] which we didn't find ... difficult. Khadijeh

I don't think that [the legal situation] restricts me in anyway ... If I want to get married under Shariah law I can ... I can get a divorce under Islam. Rania

Why should [the British] change [the law]? ... I believe that if they are letting me worship the way that I want and I can marry the person I want but I am also protected by ... law. What more do I want? What is the law that you want to be implemented or changed for Muslims? ... To marry more than one? Lyna

I don't think they should make polygamy legal ... I think English law could learn a few things from Shariah but polygamy is not one of them ... I'd be worried because [if the Shariah were introduced here] because people who take Shariah as law tend to take it to the extreme. I'd rather have England under English law.
Eman (P)

Thus participants felt that demands for the incorporation of the Shariah in its entirety into the national law were unnecessary, impractical or unreasonable. On the other hand there was considerable support for the view that greater integration of Muslims into the host society would facilitate the negotiation of legal reforms with the British authorities (see p 113) and there was also a feeling that Muslims should be patient, as their customary ways of dealing with family and property law would become accepted in Great Britain over time.

The best thing that we can do is to ... continue to maintain pressure so that ... the authorities are aware of our needs as a community and our sensitivities about various things which conflict with our religious ... beliefs ... This can happen but only through negotiation obviously and ... this does happen to some extent ... [The] British ... legal system is quite ... able to ... accommodate some aspects of ... Islam without ... any problem. Reem

I cannot demand a law system for the Muslims ... Maybe this will be possible when we are more ... integrated into the society ... This would be very good and very fair. Ghada

I would be in favour of [family law reform] ... I can see that it is very important for the Muslims here to ... negotiate legal issues where there may be conflict [or] ... disagreement between Shariah and English law and obviously this can only be done if Muslims are prepared to integrate into the host society at all levels especially in the political and legal organizations ... Maybe the legal system needs the time to adjust to the new... demographic structures. Hanan

I think that the law generally is slow to move and to make response to big change ... so we must be patient ... We cannot expect the legal system to make allowance just for us ... First, Muslims must ... be more ... involved in the legal system - like more lawyers, solicitor, barrister and maybe there is the ... possibility ... to work within the legal system that we have already to give Muslims the rights that we have in family and marriage. Zubeidah

The above quotations reflect the general tone of sensitivity and moderation that was prevalent during discussion of these matters. They also suggest that there is little support among Arab Muslim women for the introduction of a strong form of legal pluralism, which would involve the establishment of parallel courts, as a means of implementing Shariah personal status law in Great Britain. Irrespective of the legal system to which they had been accustomed in their countries of origin, all participants, including the most religiously fastidious, held views on legal pluralism that were at variance with those of L1 and L2 (see pp 226-227). Their views were also

at variance with those expressed by Muslim respondents in the 2006 ICM poll (see p 81) and in Klausen's survey (see pp 103-107). In short, the Arab Muslim women interviewed in this research did not indicate any support for the introduction of family law reforms modelled on the Indian legislative system¹¹⁵ which many South Asian Muslim leaders in Great Britain appear to favour.

9.3 Marriage, Divorce and Inheritance

In this section potential and actual conflict between the Shariah and the national law over marriage, divorce and inheritance matters is discussed with reference to the opinions and experiences of both the lawyers and the interview participants. The implications of attempting to resolve such conflict by accommodating Muslim religious and cultural practices within the framework of the national law are also examined. On the subject of the existing procedure for registering an Islamic marriage, two participants expressed the following views:

[My sister] did a civil marriage and registered ... to have a certificate ... but ... we didn't count that as 'the' marriage. The marriage for us was the Islamic one ... I think it would be nice if they did just say: 'OK, as long as you get married in the Islamic way ... you get the certificate for that.' Khadijeh

I think ... provisions should be made so that the Muslim way of marriage ... should be accepted ... Now if a Muslim is married [according] to the Shariah it's

¹¹⁵ 1937 Muslim Personal Law (Shariah) Application Act (India).

not enough, so they [have to] go for a civil marriage ... I think provisions should be made within the law to be more accept[ing] of Islamic ways. Bari'a

While these comments appears to be quite reasonable they do not take into account the potential for conflict between national and Shariah law over issues such as marriages of women under sixteen years of age and polygamous marriages (see pp 101-103). L3 referred to the potential for conflict in these areas:

Whilst Islamically a male would be permitted to marry a woman aged 15 this would clearly be illegal under the English Law ... as [is] bigamy ... This offence is extremely difficult to prove, particularly when the second marriage has been contracted outside of the UK, as often there is no Marriage Certificate to corroborate the allegations.

There is also an argument based on Islamic ethics against Muslim men being allowed to marry and reside with more than one wife in a country where bigamy is against the law. Since both under-aged wives and second and subsequent wives and their children would be without the full protection of the law of the land and would only have the status of unmarried partners in England - a status forbidden in Islam, and their children would be illegitimate under the law as it stands, no Muslim man should put his spouse or offspring in such a dishonorable position. As there is little prospect of the national law being changed to lower the age at which marriage is deemed legal or to allow the practice of polygamy, only the introduction of a system of parallel courts that would define the legal identity of Muslim women as different from that of women in the mainstream community would legitimise marriages involving wives of under sixteen years of age and polygamous marriages. Under such a system, the personal status of Muslim women in

Great Britain would have much in common with that of women in the countries from which they or their families had originated.

On the other hand if the national law were modified so that imams were given the authority to register Islamic marriages they would then be under an obligation to ensure that no under-aged person was a party to a marriage contract, and that neither party had previously been married. While it would be relatively easy to ensure that both parties were of marriageable age, ascertaining that neither party had previously been married might be difficult if one of them had not always been a resident of Great Britain. This difficulty may appear to stand in the way of a simple legal reform giving imams the status and authority of civil registrars, but even with the law as it stands, the same difficulty confronts civil registrars and Christian and Jewish ministers in cases where prospective spouses, especially those from overseas (irrespective of their religion) are dishonest about their marital history. Therefore in order to be consistent there is a cogent argument for recognising that parties to a Muslim marriage should be eligible to receive a civil certificate from an imam, in the same way that Christians and Jews do from the religious ministers at their religious ceremonies. While it may also be objected that wives and children do not have the same protection in an Islamic marriage as they do under English Family Law, if Muslims who obtain civil marriage certificates do so on the understanding that both parties are free to have recourse to English Family Law in the event of a marital dispute or breakdown, then this objection to imams being given the authority of civil registrars can also be dismissed.

The question of Muslims being allowed the freedom to choose between the two legal systems – the Islamic and the national one was raised by Muna. She argued that while Muslims ought to be allowed to follow their customary laws in this country if they want to, they should not be compelled to do so:

If [the Shariah] is what the majority of the Muslim community want ... and if the British government decide to give them that, that would be a good thing ... you know as long as there is the element of fairness ... meaning, if I don't want to go to an Islamic legal ... system, I can if I want to ... do things the British civil way. I mean as long as it does not take the choice away from people.

Although she was not talking specifically about divorce, Muna's comments are particularly relevant to this area of the law. The three participants who had been granted a divorce here were grateful that the English legal system had facilitated their applications. They stated that divorce would have been difficult or impossible for them under the Shariah in their countries of origin, Jordan, Iraq and Yemen respectively. Fawzia, who had lived with her husband for seven years before coming here, is sure that the courts in England were far more sympathetic towards her than the Jordanian courts would have been. Moreover, she believes that it is easier for a woman to live here as a divorcee:

[English] law helped me ... You know that here they respect mothers and children a lot. I'm not feeling that I need a man ... to stand with me to accompany me ... so here it helped me a lot ... because ... the atmosphere is like that.

Dalya talked at greater length about her divorce:

In a way it has saved me - the fact that England doesn't actually follow the Shariah is a good thing for me because I was married before to somebody who is totally backwards and the marriage didn't last more than two or three months ... I got a divorce here ... I had good grounds to get divorced ... My divorce ... went through smoothly because ... the whole marriage was based upon lies ... It's a

false marriage and *haram* anyway ... But it is the [English] law that I follow in this country and the law granted me this divorce ... I have a piece of paper saying that I am divorced by law through the English courts. Yes, I do have my decree absolute, my decree nisi and when I remarried¹¹⁶ I had to show it to the courts. If I was in a country, for example, where they follow the Shariah only, then yes, I think I wouldn't have been able to carry on with my life ... [The Shariah] protects women, but unfortunately with a lot of cases in Arabic countries, it is misinterpreted I feel ... It is not implemented properly. I still believe that you should ... follow the Shariah ... We do anyway - my parents do anyway.

Dalya's comments are interesting in that they clearly indicate that she believes her opportunity to divorce under the English legal system enabled her to start a new life in a way that would not have been possible in the Arab world. However, she is not critical of the Shariah itself, only of the way in which it has been implemented in Iraq. Her comments indicate an acceptance of the Shariah as a code for moral and spiritual guidance, alongside a preference for the divorce law provisions of English Family Law. In accepting the validity of both she is straddling two cultures – living in two worlds.

Wafa met her husband, ten years her senior, in 1988 in Yemen. 'I met him when I was working in a company, love through love.' They lived together for 13 years in Yemen and for two years in the UK.

When we came here ... he doesn't like the way I am bringing up his daughter.

Suddenly here in the UK he is becoming like a Muslim ... Maybe he is doing

¹¹⁶Her second marriage was also a Muslim one.

these things here to show his friends ... 'OK ... my ex-wife! I divorce her because she is really liberal blah, blah.' It's me who divorced him! Islamic[ally] we are still married ... I had to [get a] divorce, a civil divorce because I wanted my own rights ... I'm sure if I go to Yemen I will have to ... [file for a *khul'* divorce, but before we left] Yemen I couldn't divorce him ... I tried to. We don't have rights, yeah ...

Since they were permitted to file for divorce here under civil law, Fawzia, Dalya and Wafa must all have registered their marriages in the UK prior to the commencement of proceedings. However, L5 reported that it is increasingly common for a Muslim couple not to register their Islamic marriage under civil law. In such cases the husband may be reluctant to do so because he knows that if he leaves his wife, irrespective of whether he utters the *talaq*, she has no legal recourse to maintenance under English Family Law, whereas had the marriage been registered she would be entitled to half the marital assets on divorce. L5 went on to state a Muslim woman may fail to register her marriage 'due to ignorance of the repercussions, i.e. that she will be treated as a cohabitee with no marital rights' unless she does. L2 confirmed that many women are unaware of their rights under either legal system:

Although, I have advised a large number of female clients of the Muslim faith, I never fail to be surprised about the number of women who are unaware of their rights under British/European Law and Shariah law.

L4 also mentioned that he had 'found some degree of ignorance amongst Muslim Women ... regarding their true Islamic Rights under the Shariah.' L5 suggested that in addition to

ignorance of their legal status, complacency or a wish not 'to look too demanding' might also be reasons why Muslim women do not register their marriages.

As mentioned above, it is possible for Muslim wives to obtain an Islamic divorce in England should they wish to: they can file for a *khul'* divorce to which 'consent cannot be unreasonably or ultimately withheld by the husband' (L4). Thus, on the two occasions that L1 has come across cases of women not permitted to remarry under Islam even though they have obtained a civil divorce, on account of their husbands' refusal to utter the *talaq* it was possible to 'take the husband to the Shariah Council and get a *khul'* successfully.' L3 pointed out that once a divorce has been granted by a civil court 'there is nothing preventing the female client from remarrying under English Law and it is her own interpretation of her religious beliefs which are a barrier to this'.

L1 also stated that he has come across many cases of men who have remarried legally according to English law, having divorced their first wives in a civil court, without having uttered *talaq* to annul their previous marriage in accordance with the Shariah, although this does not normally constitute a problem for the wives. He claimed that the 'majority of the Muslim *'ulama'* have accepted the divorce uttered by a civil court is legal and binding and therefore there is no need for an Islamic divorce.' Similarly L2 reported that 'the Shariah Council will normally routinely give a divorce to a female when they become aware that a civil divorce has been granted.' Thereafter she has the right to contract a subsequent Islamic marriage.

Turning to the issue of maintenance, L2 summarised the relevant Shariah injunctions thus:

Under Shariah law, maintenance can continue in relation to breast-fed children and in relation to children of the husband cared for by the mother. However, periodical payments as such are not payable to the female client outside these circumstances. The support of the female client under Shariah falls on her parents/brothers/*wali* etc.

L4 stated that if the support afforded by her relatives is not adequate, divorced wives can:

Make applications for ancillary relief in the Family Court ... There are also agencies such as the Child Support Agency which have helped Muslim women secure maintenance payments for their children from the biological father in difficult situations.

If a system of parallel courts were introduced under which it became mandatory for Muslims to have their divorce cases heard by an Islamic court, Muslim women would presumably be precluded from seeking help from the Family Court and would have no alternative other than to accept the Shariah. Despite this, L2 was keen to emphasise the spiritual, as opposed to the material advantages of acceptance:

A Muslim woman who willingly submits herself to have any grievance settled according to the laws revealed by her religion will [experience] a huge positive emotional impact (not necessary financial), as she will perceive herself as living according to the laws which are not man-made but divine ... It is perceived that women fare less well under the Shariah system, but that may well be a matter of ... ingrained bigotry rather than fact. One cannot judge fairness and equality alone

on the issue of decisions on *talaq* and finance. The whole issue is far more complex.

With regard to the custody of minors under Islam each *madhhab* has its own rulings on matters such as the age at which male children should go to live with their father. It would be beyond the scope of this study to explain the details of such matters.¹¹⁷ However, it is important to note that as a general rule mothers have more custody rights over their children under English Family Law than they do under Islamic law, whichever Islamic school of thought is followed. L4 outlined the Shariah provisions for the custody of minors as follows:

Under the Shariah ... a mother is entitled to the custody of the male child until he reaches 7 years of age, the female child until she reaches the age of puberty. Even though the minor children are in the full care of the mother initially the father must not ignore his responsibility for supervising his children under the custody of their mother.

L2 mentioned another important point of Shariah law pertaining to the custody of minors, namely that a mother 'loses her primary right to the children should she remarry' (see p 103). English Family Law views the issue of custody totally differently. Its principal rulings were variously explained by the lawyers as follows:

Under U.K. law, if the mother is the primary carer, the court is likely to preserve the status quo irrespective of [the] age [of her children]. L2

¹¹⁷ See Dupret, Berger and Al-Zwaini (1999) Legal Pluralism in the Arab World.

Under English law the legal custody of minors and their property will be given to the father only if he is able to prove that he is the better parent, as the natural bias is towards the biological mother. L5

None of the three divorced interview participants provided much detail about how they had retained custody of their children, but it would appear that the decisions on custody had been pronounced in accordance with the provisions of English Family Law. Indeed, both L3 and L4 see that it is in the best interests of their female Muslim clients to settle child custody disputes through the national courts:

If a Muslim woman was to approach me ... I would advise that she keep the children and let the husband/father make an application for contact through the Family Courts if no amicable agreement could be reached between the parents. L3

To act in the child's best interests, my advice to Muslim women clients ... is usually to seek a balanced agreement with the child's father regarding contact and maintenance issues ... However if this is not possible, depending on the particular circumstances of the case, if the father makes an application for contact this is either challenged or agreed on a defined basis through the Courts. L4

L2 admitted that 'most of my female clients tend to use UK legislation to enforce their rights rather than Shariah rights,' putting their emotional attachment to their offspring before the injunctions of their religion. However, under a system of parallel courts, their only option might be to abide by the rulings of a court in which judgments are made according to the Shariah.

On the subject of inheritance law, Sulafa argued that Muslims can settle their estates in accordance with Islamic beliefs under the national law as it stands, stating that 'you can always do

your will in a way that matches with the Shariah.’ However ‘Maryam’ (P) is concerned that there is the potential for conflict between the Shariah and the national law in this area:

It could come to a point where there would be some conflict... specially ... the way that ... wealth is distributed. It’s different under ... Islamic law... and this field of ... English law is not that easy as well.

Wafa expressed her misgivings about the male heir receiving a portion equal to that of two females¹¹⁸, saying: ‘I wouldn’t be happy about this Shariah regarding inheritance, especially [as] a woman.’ However, in the professional experience of L1, ‘Most female clients accept the Koranic command.’ Likewise, L2 stated: ‘As the shares are detailed in the Koran, it is not open to interpretation/negotiation. Muslim women recognise this fact.’

Two lawyers explained the rationale behind the apparent imbalance in the Shariah injunction (see p 61):

The males who inherit must share their wealth with their family whereas the female’s wealth remains her own. An example is that from a male’s inheritance, he may have an elderly parent, spouse, and children to care for from the money whereas a wife is not financially responsible for anyone. L2

The rationale for it is that women have no duty to maintain anyone. Muslim women are supported financially by their husbands throughout their married life, and have a right to keep their own earnings and property. In contrast, men have to maintain not only their own wife and children, but also their elderly parents, their divorced or widowed sisters and their children, and any disabled brothers. L5

¹¹⁸ Koran 4:11.

L5 also pointed out that by giving away their assets before they die, Muslims are at liberty to dispose of their wealth in any way they like. It may be concluded that Shariah inheritance law would pose fewer problems for Muslim women resident in England than Shariah divorce and child custody laws would, if it ever became mandatory to submit to them. However, L1 reported that he has come across cases in which male relatives had attempted to take their patriarchal inheritance practices to extremes that have no Islamic foundation:

Due to age-old traditions and greed ... [male relatives] ensure the females do not get any inheritance if they can help it. I have had cases whereby three sisters were totally denied any right to their father's inheritance because they were women and belong to [their] in-laws ... after marriage ... Some '*ulama*' even gave *fatwa* on it. Obviously, they had no knowledge of the *sura* '*an-nisaa*' of the Koran.

This remark is significant in that it was made by a lawyer who would like to see Shariah personal status law recognised in Great Britain. It indicates his awareness of how, in cases where inheritances are disputed, a culture of misogyny can distort the Islamic vision of justice for women. In view of this awareness, his view that there is an adequate number of women involved in the work of Shariah Councils and that those who disagree have a political agenda (see p 223) is somewhat surprising.

9.4 Islamic Veiling and the Law

When they were asked how they felt about the French law (see p 114) banning students from wearing the hijab in government schools and colleges most participants expressed their opposition to it, irrespective of whether they themselves customarily wore the veil. Several said

that it went against the Western concepts of freedom of choice and freedom of religion. Among them was Reem:

This is an example of ... Western imperialism ... in force ... which ... undermines the ... freedom of religion enshrined actually by United Nations and other ... international organisations.

Two participants found the idea that such a law could also come into force in Great Britain totally repugnant. Majdah said it 'would be a real catastrophe' and Hiba (P) said it 'would be the most offensive thing ever.' Asma said that the ban was an example of government interference into religious affairs, Wafa that it was politically motivated, Aisha that it would generate more racism and Zeinab that it would take away Muslim women's identity. Alia1 commented:

This is not the way to encourage people to integrate into society ... Europeans are prepared to study the psychology of all matters except Islam.

She might have made the same observation about sociology (see pp 32-33). However, there were a few participants who did not consider the ban objectionable. Eqbal and Rania noted that it applied to people of all religions and Lyna thought it quite reasonable that Muslims should be expected to conform to the dress codes of the host community, while Sulafa argued that the question of veiling had been given far greater importance than it warranted:

There are lots of much more important things that I feel so strongly about ... It's something symbolic, yeah, so, it doesn't concern me at all.

Two lawyers felt that there was no need to legislate on the question of veiling. L1 stated:

UK law is very lenient on this matter and has given the Muslims more rights than many of the Muslim countries, who are forcing their women to take off the veil/hijab.¹¹⁹ We should appreciate that and not make things worse. Otherwise the system is going to get frightened and react negatively and future laws could mirror France and many other Western countries.

L3 did not refer to the French ban on headscarves, but with reference to Great Britain he argued that legislating on physical symbols of religious faith would afford 'some clarity within the law on this point', provided that the approach was 'consistent towards all faiths' - as is the case in France. He continued:

If a law regarding veiling is to be introduced for the purposes of public safety then a law must be introduced preventing Sikhs from carrying their religious knives. Hindus should be prevented from drinking cows' urine under Health and Safety Legislation.

L2 was of the opinion that the only valid rationale behind any proposal for legislation restricting the practice of veiling would be on the basis of security:

The face veil may rightly be asked to be removed temporarily for identity purposes, business transactions [and] passports, as is permitted under Shariah Law. However, to use 'red herring' arguments to prevent the wearing of *jilbab*, headscarf etc on health and safety grounds ... would be ridiculous and a method of justifying discrimination through the back door.

L4 commented on the issue of veiling from the perspective of the evolution of case law:

¹¹⁹ An apparent reference to Turkey.

I believe that Muslims should perceive the legal system in this country ... in terms of integrating, which is essential for progress and maintaining law and order ... This way they can contribute to the British Legal System which is evolving through case law in the courts and through legislation passed by government. The case of Shabina Begum¹²⁰ is a demonstration of Muslims contributing to the law of this country and more recently the case of the Muslim lawyer who appeared before an Immigration Judge wearing a veil.¹²¹ The Courts have given guidance through the Law Society and the Bar on this matter and Muslim women are now officially permitted to wear the veil provided it does not interfere with the administration of justice.

L5 had a very different view on the issue, being so strongly against the practice of face-covering that she felt legislation against it was essential:

Whilst I do not usually wish to lay down rules on what a woman should or should not wear, I believe it is essential that the British government legislates against women covering their face. This is because not only is this not required in Islam, [but] it can [also] lead to grave injustices. For example, crimes being permitted while people's faces are covered, in addition to the obvious security risk of allowing terrorists to remain unidentified. Also I feel it is intimidating and frightening to be confronted with someone whose face is fully covered. On the basis that the benefits are minimal whereas the drawbacks are many, urgent

¹²⁰ See p 117-118.

¹²¹ See p 118-119.

legislation needs to be passed. It is a growing trend for some Muslim women to cover their faces and it should be stopped early before it becomes commonplace.

L5's view is another example of the vociferous nature of the opposition to the face-veil among moderate and secular Muslims in Great Britain (see p 119). Her arguments are not new, but the sense of concern that comes across suggests that not only does she believe the practice of Muslim women covering their faces is on the increase, but also that it has a negative effect on the host community's perceptions of the identity of Muslims. Such perceptions could result in an increase of Islamophobia and discrimination that might be directed against all Muslim women in Great Britain, whether or not they cover their faces. However, legislation passed in response to calls like hers for an urgent ban on face-veils could have undesired consequences, further marginalising and alienating those Muslim women who believe they should have the right to cover their faces, and causing conflict between conservative and secular Muslims over this symbolic issue.

9.5 Conclusion

The decision to extend the scope of this study by inviting members of the legal profession to offer their advice and opinions on the legal issues under investigation has facilitated the achievement of the study's third aim (see p 13) and justified its claim to interdisciplinarity. The lawyers' theoretical knowledge and their willingness to draw on professional experience has made a valuable contribution and their willingness to express their personal opinions in their questionnaire responses provided a wide range of religious and socio-cultural perspectives on how the national law can best serve the interests of Muslims in the registration of marriages, in

family and inheritance disputes and in its rulings on female veiling. At a theoretical level, the lawyers demonstrated their awareness of the various forms that legal pluralism can take and made it possible to clarify some of the less well-defined notions that interview participants expressed on that subject.

The contributions of interview participants to the substance of this chapter should not be underestimated. Their quoted opinions were generally well-articulated and logical, and they made useful contributions to the discussion on recognition under the national law of Islamic marriages. Moreover, the narratives of their personal experiences of divorce underlined how the material consequences of marital breakdown are to a large extent dictated by the legal system under which one files for divorce. It was observed that English Family Law was perceived by those participants who had filed for divorce to be more equitable in its treatment of women than the Shariah as it has been interpreted in their countries of origin. It is also important to emphasise that for these women, it had been easier to make a fresh start in life in Great Britain than it would have been in the Arab world, where the status 'divorced' continues to carry with it connotations of shame, for which women are stigmatised. In child custody disputes also, there was a degree of consensus among the lawyers that the best advice that they could offer their female Muslim clients was that they should settle matters in the national courts. It is possible that pursuance of a course of legal action not sanctioned by the Shariah in order to protect one's financial interests or to retain custody of one's children would cause some Arab Muslim women a burden of moral angst so great that they would abandon it, preferring to remain faithful to their conservative interpretation of Islamic injunctions on divorce and child custody. However, although none of the participants in this investigation expressed such a preference, there is certainly scope for future research on the extent to which Arab and other Muslim women in Great Britain, faced by

the prospect of separation and divorce, feel torn by a conflict between their religious faith on the one hand and their material and emotional interests on the other.

There was a wide range of conflicting opinions on Islamic veiling and the law, both among the interview participants and the lawyers, reflecting the polarising nature of the debate among Muslims. For example, there was no consensus on whether national legislation should be introduced restricting Muslim women's freedom to veil according to their interpretation of Islam. Given the divisions among Muslims in Great Britain over this question, it is tendentious to argue that the debate can be understood as one in which there are only two sides, Muslims and non-Muslims, and that furthermore the latter refuse to listen to the former:

What is significant is the divergence between what Muslims themselves believe hijab to be and what majority society discourses, including those of government and academic elites, believe hijab means ... [Minority] discourse cannot or will not be understood by the majority and its elite. (Ameli and Merali, 2006: 22)

Muslims in Britain are unlikely to present a united view on whether there should be legislation restricting the practice of Islamic veiling in the foreseeable future, and therefore the wisest course would seem to be to tolerate diversity in Islamic dress codes, especially if they do not impede security or communication, and if they do not pose health and safety risks.

Chapter 10

Discussion and Conclusions

It is natural for a researcher embarking on an investigation into social identity to have certain preconceived ideas based on the cultural data that one has accumulated from personal experiences. These may be confirmed or challenged by studying analytic data published by experts in the field. Discussion of such data may stimulate the researcher to consider original ideas, but empirical research, conducted in accordance with established methodological practice, is essential if her investigation is to lead to original findings. The value of such findings may be measured by the extent to which they complement or challenge our existing knowledge.

Unlike the relativist approach to social science investigations, Gellner's rational fundamentalist approach, which was discussed at the beginning of this thesis (see pp 11-12), is in keeping with the Islamic theological concept of *tawhid* – belief in the oneness of God, of knowledge and of truth. The decision to adopt the spirit of Gellner's approach was the first conceptual step on the pathway towards making this a scientific investigation, as opposed to a compendium of anecdotal evidence, within the field of Islamic Studies. The second conceptual step was to discuss and to define identity in the context of this study. The set of variables that combine to mould a person's social identity was visualised as a complex web. By scrutinising the threads of which this web is composed, it was possible to produce a coherent and cohesive definition, which formed a major part of the introduction to this thesis (see pp 16-23).

The three aims of this study (see p 13) were achieved essentially by employing two research instruments: qualitative semi-structured interviews and an emailed questionnaire. The former have been used effectively to investigate aspects of the identity of Arab and Muslim men and women, both in the West, in studies by researchers such as Roald, Nagel and Alghamdi, and in the Arab world, for example in the research of Mernissi and Rosander. They are a proven method of yielding original empirical findings that may challenge existing cultural and analytic data. In this study interview themes were selected on the basis of their potential for eliciting discussion that would be pertinent to the achievement of the investigation's aims.

Responses to the emailed questionnaire – the other research instrument used, complemented the responses of interview participants on their legal status as Muslims in Great Britain, thus contributing to the achievement of the third aim of the investigation. The responses of the five participating lawyers confirm that emailed questionnaires are a productive and effective method of eliciting both professional judgments and considered opinions. Collation of the views of the lawyers with those of the interview participants in preparation for the analysis of both in Chapter Nine constitutes an extension of established methodological practice. It is hoped that future researchers aiming to confirm or validate the views of their informants by consulting professional specialists will adopt or adapt this original approach, thereby enhancing the value of their studies.

Once all the data from both the interviews and the email questionnaire responses had been collected they had to be analysed, synthesised and evaluated. By applying McCracken's five-stage process of analysis (see p 151) it was possible to arrange them with a view to their presentation in the three empirical chapters of the thesis. The distinction between the core and negotiable elements of Arab Muslim women's identity provided a basis for the division of

material between Chapters Seven and Eight. The data in each chapter was then arranged according to sub-theme. In Chapter Eight, conceptual distinctions defined by terms describing patterns of integration into the host community (see pp 83-88) were found to be invaluable as a basis for the division of participants into clusters on the basis of choices they had made (see pp 153-156). While the idea of clustering informants is not an original one – Nagel had used it in her study (see pp 92-95) - the clusters that emerged as a result of analysis of data gathered in this study do not resemble those presented in the work of previous researchers. It may be recalled that various criteria for clustering such as level of education and socio-economic background were rejected and it was determined that division on the criteria of levels of integration and cultural base pattern choice would be the most revealing way of presenting the findings, thereby providing original insight into the identity of participants.

The discussion of terms used to describe the extent to which migrants may choose to integrate was critical in the context of this study in defining clusters of participants. However, it should be noted that the term ‘assimilated’ was not used as a descriptor of any of the clusters. By contrast, in her 2002 study, Nagel emphasised London’s Arab population’s efforts to ‘assimilate’, arguing that there has been too much focus on difference in previous studies on migrants. It may be argued that ‘integrated’ would perhaps have been a more apposite term for the description of her respondents than ‘assimilated’, with its connotations of conformity to the norms of a host community to the extent that intermarriage becomes a possibility. Arab Muslim migrants originate from a socio-cultural environment in which kinship and religion-based ties are so strong (see pp) that ‘the totality [of a person] is knowable ... to the extent that they can gain information about the variety of his [or her] ties to others’ (Rosen, 2000: 71). Data from this study confirms that participants were not prepared to abandon their community networks for the

sake of assimilation. Although some of them remarked on the undesirability of living in ethnic ghettos in London, many reported that their closest social ties continued to be with Arabs - often of the same nationality or from the same region as themselves. Moreover the married participants nearly all had partners of the same nationality, whether or not their marriages had been arranged by family members (see p 163), and the married respondents in Nagel's study also appeared to comply with this pattern.

10.1 Findings relating to Aims 1 and 2

During discussion of interview themes participants were encouraged to talk about what they perceive to be the core gender, cultural and religious elements of their identity and about how they have negotiated and modified these elements in the process of integration. It transpired that they wished to enhance their prospects of achieving personal and family goals and aspirations without undermining the core elements of their socio-cultural and religious heritage. Their narratives indicate that they were initially keen to acculturate and establish social contacts with members of the host community, but in some cases this enthusiasm tended to wane, particularly among those who ultimately intend to return to their countries of origin. The wide range of responses demonstrated how they have independently exercised their judgment to define or redefine their identity in the light of their experiences of life in Great Britain. However, most participants reported having come to terms with living in a more secular environment than that which they, or in the cases of the 1.5 and second-generation migrants, their parents, had been accustomed to in the Arab world. Their narratives indicate that they have done so by pragmatically redefining their identity, in adapting to socio-cultural norms to which they were

not accustomed in their countries of origin. Their narratives also demonstrate that the experience of living in a society where the moral and ethical values of numerous cultures co-exist has increased their faith in Islam as a source of strength and guidance (see pp). Moreover, participants in three clusters (A, B and E) reported that they believe their knowledge of and pious adherence to the principles of their faith will earn them the respect of non-Muslim members of the host community (see p 187, p 203 and p 218). Indeed, some of the participants in these clusters reported that they feel they are under an obligation to do so. Pragmatically, however, they were generally opposed to the idea of importing religious or socio-cultural practices that they perceived to be incompatible with their new socio-cultural environment, confirming Rohe's assertion that for Muslims in Europe 'the formation of a "normative" Islam harmonized with the environmental legal and societal circumstances ... seems to be essential' (2004: 183).

The fact that internet access in their countries of origin had given recently arrived (Cluster E) participants the opportunity to discuss their religion and more specifically the identity of women in Islam in a hermeneutic manner prior to their arrival in Great Britain challenges Roald's theory that Western study methods and ideas are most likely to be adopted by Muslims who have been educated in the West (see p 177). Internet access may have made the notion that students in the Arab world still rely on rote learning for knowledge of Islam outdated. Moreover, internet browsing may have reduced the extent to which the national origins of participants were discernable from their outlook. There was little correlation between participants' opinions on interview discussion points and their countries of birth. This finding endorses Klausen's concluding observations on the results of her survey of European Muslims (see p 136). Nevertheless, many participants considered national origins and family ties to be an important part of their identity. Those from Palestine and Sudan who had migrated as refugees reported that

they belong to organizations promoting national causes in their countries of origin and that family history is highly important to them (see p 160).

Most participants reported that they have family members and Arab friends residing in Great Britain and speak to one another in their first language. As well as being their natural medium of communication the Arabic language has a religious function for all Muslims when they perform their *'ibadat* (see pp 59-60). Moreover, many participants consider their faith to be a private matter and they do not necessarily accept the interpretations of established clerics (see pp 168-172). Furthermore, as some pointed out, there is no single body in Great Britain to which they can turn for definitive interpretative judgments. They stated that they employ *'ijtihad* (see p 46, pp 88-89 and p 171) in the interpretation of the founding discourses. In order to do so they need to be literate in Classical Arabic.

Participants provided little evidence to support the claim of Fulat that 'a growing number of Muslims in Britain are identifying themselves by their faith over ethnicity' (see p 79). In general, participants do not identify closely with Muslim women of other ethnicities even though there are arguably at least two compelling reasons for so doing (see pp 174-175). Possibly the task of integrating into the host community is so challenging that they do not have the time or energy to explore the cultures of other ethnicities, despite their common religious faith.

Achievement of success at work was reported to be a critical factor in motivating participants to make cultural choices that facilitate integration. The professional identity of some participants, particularly those in Cluster A, was found to be individualist: similar to that of other women who aspire to advance their education and careers in the multicultural environment of

Great Britain. This similarity has enabled them to integrate objectively in their places of work or study, even if their social transactions with members of the host community outside of work are complicated by incompatible attitudes towards alcohol consumption and casual sexual relationships. Rania stressed how personal commitments would have made it impossible to adopt the same degree of professional focus in the Arab world, where, as she reported, prevalent judgmental attitudes in the workplace still put women at a considerable disadvantage. Of the participants whose employment does not entail much contact with the host community only Wafa expressed a desire for more opportunity to integrate at work. Cluster C participants did not find the integration process to be any easier than those who had experienced life in 'two worlds' both culturally and geographically. Although these 1.5 generation migrants have managed to achieve acceptance and objective integration at work, in their social lives they have tended to choose the security offered by the socio-cultural norms of their own communities, after going through a phase of emulating the socio-cultural practices of their host community peers in their early adult life. Having had little or no experience of life in the Arab world, they tended to take for granted features of life in Great Britain such as ease of access to information and freedom of speech, on which those who had arrived more recently commented favorably.

Some Cluster C, D and E participants reported being victims of overt Islamophobia or racism on the streets. The participants from lower class backgrounds seemed to be more exposed to Islamophobia than those in relatively privileged socio-economic circumstances. Awareness of Islamophobia was higher among those who were aurally proficient in English and therefore able to decode defamatory remarks. Those who were not easily identifiable as Arabs or Muslims had also witnessed Islamophobic sentiments not intended for their ears.

Taken collectively, participants' narratives provide evidence that refutes the British media stereotype of a woman prevented by her religiously fundamentalist and politically radicalised husband or male relatives from making independent choices in their lives, including choices about what to wear (see pp 157-158, p 189, pp 195-198). It is possible that if some Arab husbands do see themselves as family patriarchs, they may have been deluded by wives intent on boosting their egos into believing this (see p 182). Participants were adamant in asserting their right to be included in family decision making, and lack of consultation had in some cases led to divorce. Those who had made the decision not to work outside the home such as Reem and Dawsar had done so because they wanted to prioritise the needs of their young children (see p 208), not because they were oppressed by a patriarchal culture. Their societal circumstances and 'the dilemma of the postmodernist individualist condition' (Ezzat, 2007: 185) determined their decision, not their traditional culture.

The neo-orientalist notion that Muslim women's dress codes are symbolic of a socio-cultural system that represses women is still evident in academic literature (see pp 39-40), and this notion has provided an intellectual basis for Islamophobic sentiments published in the popular media publications (see pp 80-82 and pp 186-189). While participants were not aware of the orientalist provenance of anti-Muslim sentiments in the media, they clearly found them to be disturbing and tendentious. Some suspected that Jewish influence or British government support for Israel was responsible for lack of balance in media reporting on Muslims. On a personal level, Khadijeh believed she had reason to suspect that she was discriminated against by an 'ex-Israeli' lecturer (see p 217), and Palestinian Hanan reported that some members of the host community thought she was going to make trouble when she informed them that she planned to attend a lecture delivered by a member of the Jewish Women's Association (see p 203).

Reference was made to Werbner's observation that Muslim women can achieve wider recognition and esteem by becoming involved in cross-cultural causes (see p 93), not specifically linked to the needs of their own community. The same point was made by one of Nagel's respondents (2002: 274). The successful involvement of some well-integrated Cluster A participants in such causes confirms Werbner's observation. Moreover, Given the strength of opposition to public displays of female immodesty and promiscuity in Great Britain among study participants (see pp 187-188), which, judging from cultural data of which I am aware, reflects a more widely-held view, involvement in a cross-cultural campaign for a return to modesty might well appeal to some Arab Muslim women. Although the defence of modesty is not one of the dominant themes in contemporary British discourse on women's issues, there are signs that it is becoming so in the USA, where ten years ago Shalit argued that 'modesty in dress, which today is considered evidence of being "hung-up" about sex, actually permits women precisely not to be hung up about sex.' (1999: 72) More recently similar views were expressed by Liebau (2007).

Given that many participants found that the experience of having lived in two worlds empowered them, allowing them to formulate wider perspectives on their identity in an atmosphere conducive to open discussion, there are grounds for optimism about the prospects of Arab Muslim women who accept the need to adapt to societal circumstances becoming involved in cross-cultural causes.

10.2 Findings relating to Aim 3

It was interesting to discover how wide the range of opinions of the five lawyers was on issues covered in the emailed questionnaire. For instance, L5 reported that the marriage counselling services offered by British Shariah Councils were dominated by men, but this is not the case,

according to L1. L5 argued that there is a need for more Islamic scholars trained in the West, while L2 maintained that scholars from the Islamic world are better qualified. Despite these differences of opinion, however, the lawyers agreed that Shariah Councils play a positive role in settling family disputes. Muslim women need the services of legally qualified counsellors because they are unaware of their rights under either the Shariah or the national law, according to L2 and L4. Counsellors can provide specific assistance to women who, having divorced under the national law, are not permitted to remarry under Islam by putting pressure on their husbands to utter *talaq*.

The lawyers' opinions on legal pluralism were also diverse. L1 and L2 thought it would be good for British Muslims if a 'strong' form of legal pluralism under which family law matters could be settled in parallel courts, but L3 remained equivocal on this matter, putting forward arguments both for and against. By contrast, L5 emphasised the principle of gender equality under the law, and along with L4, advocated a 'weak' version of legal pluralism, in which Shariah personal status law would be accommodated under the national legal system. Their views were in line with those of many interview participants, who believed that if parallel courts were introduced Muslim women would be in a similar situation to the one they had been in their countries of origin. Moreover, they argued that such a system would be opposed by host community members, who would resent Shariah law being imposed in a Christian country, and that in any case it is possible for Muslims to abide by the Shariah without it being legally enforced by a non-Muslim state.

With regard to Islamic marriage ceremonies, there was consensus among interview participants that they should be recognised under the national law. L5 pointed out that one drawback of the current status quo is that Muslim women may fail to register their Islamic

marriages, leaving themselves ineligible for maintenance under the national law in cases where their husbands divorce them. Although nearly all participants professed their unequivocal faith in the Shariah, they were generally opposed to Islamic divorce law being introduced in Great Britain because they were concerned that it might be interpreted in misogynist ways. Participants with experience of divorce were particularly vociferous on this point (see pp 239-241). There was also consensus among three of the lawyers, L2, L3 and L4 that the interests of Muslim women can best be served by the national courts, given that they hold the interests of children to be paramount.

Most participants thought the French law banning public sector students from wearing religious symbols (hijab in the case of Muslim women) undermines religious freedom and deprives Arab Muslim women of their identity and they were therefore opposed to any such law being introduced in Great Britain. However, there were a few who considered the law to be reasonable since it applies to members of all religions. They argued that Muslims should conform to the laws of their host community. L1 and L2 were opposed to any ban on the hijab, although the latter conceded that there may be valid security reasons for restricting the legality of the *niqab* or other forms of face covering. By contrast, L3 was in favour of legislation, provided that it was applied in a uniform manner to all religions, arguing that it would clarify the status of religious symbols under the law, whereas L4 thought that the best way forward was through the evolution of case law, citing the ruling on the Begum case as an example (see pp 117-118). L5 was strongly in favour of the introduction of legislation banning the *niqab* on the grounds that this would be a way of reducing levels of Islamophobia.

Given the wide range of views expressed both by interview participants and by lawyers on the subject of veiling it is impossible to make any definitive concluding remarks. However, I

am personally inclined to agree with the proposal of L4 on the grounds that it is the least likely to cause social unrest over an issue which, as Sulafa observed (see p 248), should be regarded as relatively insignificant. On the more important issue of incorporating interpretations and practices of Islamic personal status law into the national law there appears to be a broad division between those British Muslims who advocate a new *fiqh*, conforming to the ideal of indivisible socio-cultural equality and those who want to fit human beings into religious categories by law. The host community can strengthen the hand of the former by making a concerted effort to rethink current family law legislation.

10.3 Evaluation of Study and Reflections on Future Possible Research Directions

It may be objected that the research design of this investigation is too broad and ambitious, and that this has resulted in the production of findings of questionable value - that a narrower focus, for example on Arab Muslim women from a particular region or of a particular class, might have depicted their identity more vividly, revealing more details and nuances, and thus contributed more to our understanding of them. In response to this objection two counter-arguments may be put forward. Firstly, that the research has succeeded in demonstrating that there are indeed certain identity characteristics that many Arab Muslim women share, irrespective of their national origins or class backgrounds. If the focus of the study had not been so wide it would not have been possible to substantiate the premise that certain identity characteristics such as strong reciprocal family bonds (see pp 160-161) and an aversion to certain behavioral traits shared by some members of the host community - especially sartorial immodesty, excessive alcohol consumption and extra-marital sexual relationships (see pp 187-188), do indeed transcend the divisions of nationality and class that exist throughout the Arab world. Secondly, as Peter has

noted, previous studies on Arab Muslims in the West have tended to restrict their focus to those who are upwardly mobile socially (see pp 80-81). The inclusion of women who do not fall into this category has ensured that this study will not contribute to the bias that this tendency has caused.

As with the findings of all investigations that rely on qualitative data, the findings of this study point to opportunities for conducting further research into a number of related areas and the following possibilities are suggested. Firstly, it would be instructive to investigate in greater depth the differences in identity between Arab and South Asian Muslim women resident in Great Britain (see pp 80-82 and pp 173-174) by conducting a cross-cultural study. Secondly, although it was not the aim of this study to investigate whether Arab Muslim women have been willing to interact positively with members of the Jewish faith in Great Britain, references were made by participants to Palestine as an ancestral homeland (see pp 162-163), Jewish media influence (see p 186), to host community assumptions about enmity between Arabs and Jews (see p 203), and to an alleged incident of anti-Arab discrimination by an 'ex-Israeli' lecturer (see p 217). On the other hand, in Nagel's study one informant (2001: 334) gave a positive impression of the quality of the relationship between Arabs and Israelis in London. It would be interesting to explore the extent to which the political enmity emanating from economic and military conflict in the Middle East has had an impact on the interaction between members of the two groups in Great Britain. Thirdly, while Arab Muslim women's perceptions of host community attitudes towards them were elicited in this study, the accuracy of their perceptions was not demonstrated. Fieldwork involving members of the host community needs to be done in order to assess to what extent the perceptions of the women in this study were correct. Fourthly, it would be interesting to compare the identity perceptions generally, and the views on the enforcement of the Shariah in Great

Britain in particular, of male Arab Muslim British residents with those of the female participants in this survey.

Finally, it should be conceded that although there was some reference in this investigation to the various forms of discrimination that respondents have experienced in Great Britain the possibility of a correlation between social class and forms of discrimination experienced was not fully explored; nor was there any attempt to establish a correlation between respondents' length of residence here, or their competency in English, and their awareness of discrimination. In all of these areas there is considerable potential for further study. Nevertheless the scope of this study has been wide-ranging, and it would have been unrealistic to attempt to investigate all of these areas in one thesis. It is hoped that critical reading of the text will stimulate others to respond to the valuable and original insights contained within it by researching and writing more about the complexities of the issues and themes that have been presented.

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